Chapter IV

Distributive Justice At Work : Role of Legislature and the Executive

(I) Introduction

The objective of freedom as a birth right was always there with the realisation that it would be the responsibility of 'free India to bring about a just socio-economic order to weed out poverty and ignorance and generally to improve the lot of common man. The glory of our national freedom lies in the fact that the goal it set before itself was not only to fight for the emancipation of the country from the fetters of British Rule but also to reconstruct Indian society on the dynamic philosophy of distributive justice. Freedom was not an end in itself. It was only a means to achieve an end; the end being to free India through a new Constitution, to feed the starving millions, to clothe the naked masses, and to give every Indian the fullest opportunity to develop himself according to his capacity. To quote Radha Krishan (former President of India): "India must have a socio-economic revolution designed not only to bring about the real satisfaction of the fundamental needs of the common man, but to go much deeper and bring about a fundamental change

in the structure of Indian society. B. Das said: "It is Dharma of the Government to remove hunger and render social justice to every citizen." The National Objective spelt out by Nehru echoes and vigorously strengthens the philosophy of distributive justice in the following words. "Our final aim is to establish a classless society with equal economic justice and opportunity to all, a society organised on a planned basis for raising of mankind to higher material and cultural level...... everything that comes in the way will have to be removed gently if possible, forcibly if necessary." The first task of Constituent Assembly, Therefore, was to formulate the objectives and guiding principles that were to be the basis of the constitution. To realise these aspirations the Preamble and the Directive Principles of State Policy furnish the evidence of the anxiety of the framers of the Constitution to shape the constitution as a mighty instrument to accomplish the goal of distributive justice. Various articles have been incorporated in the Constitution to ameliorate the conditions of the poor with

2. C.A.D. Vol.II, pp. 269-273. Such views were also held by many in the Assembly. President Prasad assured the nation that the Assembly and Government's aims was to end poverty and squalor......to abolish distinction and exploitation and to ensure decent conditions of living.C.A.D. Vol.V, p.2
5. See Chapter III, supra.
a firm determination to lift them to a position of equality with others or to the level of their fortunate brethren.

The anatomy of struggle for National independence clearly shows that the constitution reflected the demands of the people epitomised their urges and converted them into codified pledges. These high ideals are adumbrated in its Preamble which proposes to secure to all its citizens, trilogy of justice — social, economic and political.

Our constitution is heavily inclined in favour of the poor and set the tone for a new social policy, legislations and programmes to relieve them of bondage, poverty and exploitation. The constitution directs the state to provide adequate means of livelihood for all citizens, distribution of material resources of the community for common welfare, avoidance of concentration of wealth and means of production to common detriment, equal pay for equal work, protection to workers especially to children, right to work, education and public assistance in certain cases, provisions for just and human conditions of work and maternity relief, and living wage, decent standard of life and leisure for all workers. Thus, Jawahar Lal Nehru, a leading light

7. Ibid, Article 39 (b).
8. Ibid, Article 39(c)
9. Ibid, Article 39(d)
10. Ibid, Article 39(e)
11. Ibid, Article 41
12. Ibid, Article 42
13. Ibid, Article 43
among the founding fathers of our freedom and its constitutional expression, spelt out the imperative purpose of the administration in Independent India in the following words: "The service of India means the services of millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the great man of our generation has been to wipe out every tear from every eye. That may be beyond us, but as long as there are tears and suffering so long our work will not be over."^14. Thus, there is a duty cast on the state to apply this constitutional philosophy and shower the hope of a transformation from status quo of blood, sweat and tears to a social order in which justice - social, economic and political shall enforce the warp and woof of National life.

The real question before the nation today is the implementation of the mandate of the Constitution. The question that arise for consideration is how far we have been able to achieve the objectives and realised the goal as set in the constitution. Thus, this chapter seeks to examine the role played by two organs of the state to implement and put the constitutional philosophy of distributive justice into action. The implementation of various socio-economic policies enshrined in the directives

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have been taken as the basis to assess the gap between promises and performances, between resolution and their implementation, between the hopes raised and results achieved, the distance travelled and the distance that remains to be travelled. Accordingly, the present chapter has been divided into two sub-heads, each recounting the performance of each of the two organs of the state i.e. Legislature, and the Executive. In short this Chapter aims at making a performance audit of all efforts made by the two organs of the state in pursuance of the objectives enshrined in the constitution.

(II) Role of the Legislature

The legislature is the organ of the government in democracy which gives shape and direction to national policies and programmes. The renaissance in the field of distributive justice therefore must flame forth from the legislature 15. Keeping in view the philosophy of distributive justice enshrined in our National Character, many major reforms have been made in society during the last over four decades through the process of legislation. Numerous legislative measures in the field of personal law, marriage, position of women, Children and down-trodden, labour welfare, health and land reforms, etc. have been enacted by Parliament and the state Legislatures

to cherish the goal of distributive justice under Indian Constitution. The Indian Parliament and the State Legislatures have rightly started realizing the role to act as the vehicle of social change and progress immediately after the introduction of Indian constitution. The role of the legislature has been discussed in detail as follows.

(i) Land Reform Legislations

Legislators in India were wise enough to realize the fact that the basic and primary problem in India was the land problem and every days delay adds to the difficulties and dangers apart from being injustice in itself. They rightly realized the fact that the problem of land arises only when it is controlled by a few and the pattern of ownership is inimical to socio-economic growth. Thus they thought it well to dissolve this contradiction by restructuring of land ownership and relation based on the ownership. They believed that the solution to the problem lies in peaceful method rather than violent social revolution. They were highly of the view that a mighty change in the present system of land distribution has to be brought to reduce the gap of 'have' and 'have-nots'.

The bitter reality about agrarian structure in India is that it is deeply centered on the caste system. There is hardly any state in India which doesn't have dominant caste. The rulers cities belong to these castes. Even the Chief Ministers and many Ministers in almost every states belong to the dominant castes. The policy making
bodies are almost everywhere dominated by the dominant castes groups. Despite these adversities the legislators have to show growing concern about the agrarian reforms in India. They knew it well that the path of progress in our country lies in rearranging the agricultural sector so as to Cherish the goal of socio-economic democracy where justice would be distributed for all and striving millions will have a shelter to live in and at least a morsel of food to eat.

Keeping in view the constitutional promise to cherish the goal of distributive justice, the legislators had in their mind the commitment to execute the mandate of Article 38 of the constitution which inter-alia provides that states shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform the all institutions of the life. They were equally persuaded by the spirit of Article 39(b) and (c) which direct the state toward securing that (i) the ownership and control of the material resources of community are so distributed as best to subserve the common good (ii) the operation of economic systems does not result in the concentration of wealth and means of production to the common detriment. The legislatures, therefore took upon itself the responsibility of enacting legislations relating to agrarian reforms in the light of article 39(b) and (c) of constitution of
India. The primary goal before the legislators was to break up the concentration of the wealth in a few hands and thus to provide social and economic justice to the toiling masses in rural India.

In order to achieve the objective of distributive justice the legislatures have honestly endeavoured to coin land reforms legislations which mainly aim at:

(i) abolition of intermediaries; (ii) security for agricultural tenants; (iii) imposition of ceiling on land holdings; (iv) consolidation of land holdings; (v) amelioration of agricultural labour; (vi) arrangement of efficient rural credit; and (vii) provide debt relief measures. 16 Thus soon after independence various State governments 17 passed laws for abolition of intermediaries. The legislations enacted by the states from time to time have abolished all types of intermediaries at one stroke. The legislations clearly provide that the transfer made by the intermediaries with a view to defeating the provisions of the legislations are avert. 18 A series of land tenure

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17. For detail see, Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950; Bihar Land Reforms Act, 1950; Orissa Estates Abolition Act, 1951; Rajasthan Land Reforms and Resumption of Jagir's Act, 1952; West Bengal Estates Acquisition Act, 1953; Mysore Land Reforms Act, 1961; Kerala Agrarian Relation Act, 1960; Kerala Land Reforms Act, 1963; etc.
18. For instance see, Orissa Estates Establishment Act, 1951.
abolition laws have been enacted from time to time from 1950 onwards to do away with all Inams, Jagirs and other special tenures. The efforts have been made by the State Legislators to enact laws to upgrade the tenants to the status of owners.

The legislators have paid special attention to the tenancy reforms in India with an emphasis that land must belong to the tiller. The legislative policy behind tenancy reforms is to put a complete end to the landlord tenants nexus and to convert tenants in full owners. All this has been done to undo the situation that existed before independence. To be true, in pre-independence India the statutory landlordism was dominant and therefore the legislators were required to uproot the then existing system. Therefore, the legislators had to be strong enough to bring legislations which could confer ownership on the poor tenants. The present position is that the tenants by and large have acquired ownership rights in their tenancies and vested with uninterrupted rights to cultivate and use...

the land of their own choice. The glaring effect of the tenancy legislations is that the period of continuous possession of land, which was the main bases for acquiring the tenancy rights, has been reduced from twelve years to three years. The legislations are highly in favour of poor tenants. The tenancy reform legislations seek to eliminate all forms of exploitation and social injustice so as to ensure equality of status and opportunities to the poor tenants. The basic objectives of these legislations are to remove institutional and motivational obstacles and evolve a more equalitarian social structure by breaking the old feudal and semi-feudal exploitation by providing security of tenure and regulation of rent for tenants and bring direct contact between the tiller and the state and give social and economic status to the land less by the redistributive measures. The legislation have been designed with a desire to secure the justice to poor tenants and create conditions which would enable them to lead a better life. To quote Ch. Charan Singh, "A system of present proprietorship not only produces more wealth, provides more employment and removes glaring disparities from the land but will also prove the most secure base of democracy." The tenancy and land reform legislations

21. For instance see, Assam (Temporary settled Areas) Tenancy Act, 1971.
22. For instance see, H.P. Tenancy and Land Reforms Act, 1972, Chapters: IX, X and XI.
specially enumerate the grounds for setting up for the right of occupancy in favour of poor tenants. Both occupancy and non occupancy tenants have been alleviated to the status of owner of the land. All rights, title and interest, recognised by any law, custom or usage for the time being in force, with respect to land under tenancy, of land-owners in the land held under him by an occupancy tenant stand extinguish and deem to vest in the occupancy tenant free from all encumbrances created by the landowner. The tenancy reform legislations afford opportunity to pay a nominal amount of land revenue and rates and ceases chargeable in respect of the land under tenancy to be paid by occupancy and non occupancy tenants to his landowner in order to obtain proprietary rights in such land.

The legislations concerning tenancy reforms enacted from time to time in India have evolved detailed mechanism for the regulation of rent between land owner and the tenant. Now no landowner can enhance the rent merely on the grounds that it is less than the maximum rent prescribed under the legislations concerned. It has rather

24. For example see, H.P. Tenancy and land Reforms Act, 1972, Chapter II, Sections 3-8.
25. Ibid, ss. 94 and 104. Also see, The concerning legislations given in F.N. 20 supra.
26. Supranote 24, Sec 94
27. For detail see, The legislations given in F.N. 20 supra.
been made an offence for the landowner to collect rent more than the prescribed maximum rent under the such legislations. He can even be liable to imprisonment or punished with a fine. There have been added a few provisions empowering the court to allow the revision from the rent payable by the tenant if it appears that the area of tenancy has been diminished by drought, hail, deposit of sand or other like calamities. The legislations have also carved out many provisions about the improvement and composition of land. The tenancy laws enacted by the different states provides security of tenure to the tenants. The tenant cannot be ejected otherwise than execution of decree for ejectment, except, when a decree for an arrear of rent in respect of his tenancy has been passed against him and remains unsatisfied. If a tenant is dispossessed without his consent otherwise than in execution of decree or in pursuance of any order or ejectment, he can move an application for the recovery of possession or compensation, or both who so ever disposses a tenant without his consent. He is entitled for compensation in case he is unlawfully ejected from his tenancy. The law have been made to the effect that a tenant, who has made an improvement on his tenancy in accordance with the law made from time to time, can not be ejected until he has received compensation for the

28. See supranote 24, sec 34.
improvement. Moreso, a tenant who has cleared and brought under cultivation waste land is if ejected from the land entitled to receive from his landowner. Compensation for disturbance, in addition to any compensation for improvement\textsuperscript{29} To sumup, the objectives of tenancy and land reforms legislations enacted from time to time by the State legislatures in India may be summarily epitomized as to have the goals\textsuperscript{30} follows,

(a) Abolish Zamindari system which involves intermediaries between the tiller of the soil and the state.
(b) Substitute the be-wilder ing variety of existing land tenures by a simple and uniform scheme.
(c) Reform the law relating to land tenure consequent on such abolition.
(d) Provide for the suo-moto acquisition of right, title and interest of the intermediaries by their tenants
(e) Regulation of rent between the landowner and the tenant.
(f) Prohibit letting and sub-letting except under exceptional circumstances expressly provided under the Act.
(g) Put control on transfer of land by the agriculturist to a person who is non-agriculturist.
(h) Raise the living standard of the poor tenants and assist in the task of national reconstruction.

\textsuperscript{29} Ibid, Sec. 50
(i) Help to build a welfare state founded on egalitarian social order for the attainment of non-violent socio-economic revolution.

Similarly, the imposition of ceiling on land is also a part and parcel of agrarian reforms in India. The philosophy of distributive justice would remain in paper only if any programme of law reforms does not provide for a ceiling on land holdings and redistribution of surplus land among the landless people. Keeping in view the constitutional philosophy of distributive justice contained in Article 39(b) and (c), almost all State legislatures in India have enacted ceiling laws on the guidelines given by All India Congress Committee in 1972. The guidelines expounded by a conference of Chief Ministers held in 1972 have also been made the base to enact land ceiling legislations by different states in India.

The primary objective of the land ceiling legislations in India is to arrest the growth of

monopolistic tendencies in landownership. The ceiling legislations in India highlight the objective of land ceiling reforms to the effect that there must be ceiling because the area of land available is limited while the demand is unlimited. The need for ceiling on holdings is also fully justified from the standpoint of distributive justice. The main idea behind the fixing of ceiling on the existing land holdings under these legislations is to acquire surplus over and above the fix maximum and distribute the land thus acquired to the landless person with a view to remove underbalance in the society resulting from landless class on the one hand and the concentration of land in the hands of few on the others.

Thus in order to arrest the growth of monopolistic tendencies in land ownership, the state legislatures in India have brought various effective land ceiling legislations with a firm resolve to achieve the following objectives:

(a) to reduce glaring inequalities in ownership and use of land;

(b) to meet the widespread desire to possess land by the landless class of society;

(c) to raise the living standard in rural areas by

33. Ibid
34. See, Constitution of India, Part IV, Article 39(b) and (c)
35. Supranote 32.
accelerating the growth of production and actively participate and co-operate in the task of national reconstruction.

(d) to build a welfare state and egalitarian social order for the attainment of non-violent revolution; and

(e) to implement guidelines of the central Government evolved in the meeting of chief Ministers in July 1972 at Delhi.

The study reveals that ceiling legislations in India have mostly been enacted and enforced in two phases, the earlier phase covering the period from 1960–1972 and the latter since 1972. The salient features of the land ceiling legislations in India is that they are based primarily on the guidelines of the Central Government, worked out in the Conference of the Chief Ministers held in Delhi on July 23rd, 1972.

37. The Conference of Chief Ministers held in Delhi in July 1972 discussed the report of the central Land Reforms Committee and worked out a few guidelines with regard to the ceiling on land holdings these were:
(a) For the best category of land instate with assured irrigation and capable of yielding at least two crops in a year, the ceiling proposed ranged between 10 to 18 acres taking into account the fertility of soil and other conditions.
(b) In case of a land having assured irrigation for only one crop in a year, the ceiling was not to exceed 54 acres.
(c) In special cases like desert areas and hilly areas the ceiling for dry land could be relaxed after discussion of specific cases with Minister of Agriculture.
(d) In case of owners whose holdings consisted of different types of land, the total holding after converting better category of land, the total holding after converting better category of land into lowest category was not to exceed 54 acres.
legislations specifically impose a ban on holding land whether as a land-owner or tenant or mortgage with possession or partly in one capacity or partly in another exceeding permissible area on or after the appointed day. A transfer by a person holding land in exceeding permissible area can not affect the right of State Government through the surplus area to which it would be entitled but for such transfer. If a person transfers any land in contravention of the provisions of the legislations, in case of the vestment of land in the state and left with him after such transfer will be taken into account first and transferred land will be taken into account only for making up of deficiency of land to be vested. Every person who on the appointed day or any time thereafter holds the land exceeding permissible area has been obligated to furnish to the collector particulars of all his land within prescribed period stating the selection of the land not exceeding in the aggregate the permissible area which he is desirous to retain. In case of his failure to furnish such information the revenue officer has been empowered to make selection of permissible area. There is a bar on the acquisition of land in excess of permissible area and as soon as landowner acquires more

38. Ibid, Sec. 7 clause (E).
39. Ibid, Sec. 7 clause (2).
40. The appointed day has been fixed under different statutes differently. For example appointed day under H.P. Land Ceiling Act, 1972 has been defined to mean 24th January, 1971.
land than the permissible area by transfer, exchange, mortgage, lease, agreement or settlement or inheritance, the excess area vest with the state government suo-moto. The legislations, dealing with ceiling on land have empowered the state government to frame the scheme for utilizing the surplus area by allotment to the landless person. The legislations provide that preference among landless person should be given to weaker section of society. 41

Thus, it is clear that legislation in India have vigorously dealt with the problem of concentration of land in the hands of few. Various legislations have therefore, been brought into existence to arrest the growth of monopolistic tendencies in land ownership and render justice to the poor. We find that post 1971 ceiling legislations have been improved, rationalized and put on a more or less uniform bases throughout country. The legislations can be said to be an improvement upon the past legislations in so far as many loopholes of the past have been plugged. Moreover, the inclusion of agrarian reforms legislations in the IX schedule of the constitution of India make them immune from the attack on the grounds that such legislations are violative of fundamental rights. Frankly speaking, the legislative steps taken from time to time have vigorously ensured the effect implementation of

41. Supranote 37, Sec 15.
land ceiling laws so as to given effect to the policy of state towards securing the philosophy of distributive justice envisaged in clause (b) and (c) of Art 39 of our national charter. Besides, the land reform legislations enacted from time to time by the state legislatures, Indian parliament has been also wise enough to bring various amendment in the constitution to accomplish the goal of distributive justice intended to by the wise founding fathers of our constitution. The Indian parliament is engaged vigorously in giving meaning to the slogan of distributive justice. To translate this dream into action Parliament is busy in a gigantic exercise of giving a new look to whole mechanism of the constitution that is why the country is through 75th Amendments. Out of which twelve amendments are exclusively concerning with agrarian reforms aimed at cherishing the goal of distributive justice. The legislative history reveals that the parliament had to take up Article 368 to implement agrarian reforms immediately after launching the constitution.

The necessity to resort to the amendments arose when various State legislatures enacted agrarian reforms legislations affecting the interest of big land

42. Ibid Suprante, 20

lord, jagirdar's and other affluent sections of the people relating to their proprietary rights. They knocked at the door of the judiciary on the plea that they had been deprived of their fundamental right to property. The court insisted to protect the Fundamental Right to Property and insisted that compensation be paid for the deprivation of property. It is in the background that the parliament had to amend the constitution to nullify the judicial verdict. The first major threat to the constitution surfaced when the supreme court held that the abolition of Zamindari as void on the ground that it discriminated between rich and the poor in determining the compensation for acquired property. The court held that the compensation provided in the Act was unjust, inequitable and in some cases illusory. The government was committed to protect such legislations and therefore, came forward with the First Amendment Act, 1951. Article 31 A, 31B and the Ninth Schedule were added to the constitution with an intention to secure fully the constitutional validity of Zamindari and Jagirdari laws. In substance, Art 31-A laid down that no law providing for the acquisition by the state of any 'Estate' or any right in or modification of such

43. Ibid

44. Ibid.
45. For detail see, Romesh Thappar Vs State of Madras, AIR 1952, SC, 392.
46. Ibid.
rights shall be deemed to be void on the ground that it was inconsistency with or took away or abridged any fundamental right guaranteed in the Part III of the constitution. Similarly, Art 31-B laid down that without prejudice to the generality of the provisions contained in Article 31 A, none of the Act and Regulation specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void on the ground that such act, regulations or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgement, decree or order to any court or tribunal to the contrary, each of the said act and regulation shall, subject to the power of any competent legislature to repeal or amend it, continue in force. The net result of the incorporation of Article 31-B was that it validated laws, specified in Ninth Schedule passed by various State legislatures. 47 could not be deemed to be void on the ground that they were inconsistent with or took away or abridged fundamental right guaranteed in the Part III of the constitution. Thus Ninth Schedule came into being as an innovation to preclude the Judicial review of the Acts in the schedule. There is no hesitation to add that First Amendment Act, 1951 was a step towards achieving the goal of distributive justice as articulated in Article 39(b) and (c) of the constitution.

47. See Constitution of India, Ninth Schedule, S.No.8 I-13
Fortunately, the apex court of India also held that though the fundamental rights enshrined in Part III impose limitation on the legislative power, they are not enviable and the parliament can amend them invoking article 368 to bring them in conformity with Directive Principles of State Policy. The resultant effect was that all laws relating to agrarian reforms were precluded from attack based on article 13 read with other relevant articles of Part III of constitution.

Similarly, the parliament brought Fourth Amendment Act, 1955 into existence with an intention to bring the constitutional provisions in line with the spirit of distributive justice. The reason being that the apex court gave very wide meaning to clauses (i) and (ii) of article 31 regarding the limitations against compulsory acquisition of property. Further, judicial decisions regarding fundamental rights had raised serious difficulties in the implementation of distributive justice programme such as fixing the limits on agricultural holdings, conferment of rights on tenants, Property planning for rural and Urban areas, equivalent of compensation and clearance of slums etc. M.C. Setalvad observed. The subject's rights to full money equivalent for property acquired by the state had to yield to paramount

48. Shankri Parsad Vs union of India AIR 1951, SC 458.
needs of national reconstruction." Therefore, Fourth Amendment Act, 1955 was enacted to nullify the effect of Bela Banerjee case and declared that adequacy of compensation for acquiring private property could not be justiciable. The amendment also made some changes in Article 31(A) whereby agrarian reform legislations were

50. State of West Bengal Vs Subodh Gopal AIR 1954 SC 119 at 133.
51. Supranote 49.
52. For detail see, Text of Article 31(A) which lays down as under: (a) For clause (i), the following clause shall be, and shall be deemed always to have been, substituted, namely "(1) Notwithstanding anything contained in Art 13, no law providing for, (a) The acquisition by the state of any estate or of any right therein or the extinguishment or modification of any such rights, or (b) The taking over of the management of any property by the state for a limited period either in the public interest or in order to secure the proper management of property or (c) the amalgamation of two or more corporations either in public interest or in order to secure the proper management of any of the corporation, or (d) the extinguishment or modification of any rights of managing agents, secretaries and treasurers, managing directors or managers of Corporations, or of any voting rights of share holders thereof, or (e) the extinguishment or modification of any rights acquiring by virtue of any agreement, lease or licence for the purpose of searching for, or winning, any mineral or mineral oil, or the premature termination or cancellation of any such agreement, lease or licence. Shall be deemed to be void on the ground that it is in -consistent with, or takes away or bridges any of the rights conferred by Articles 14, 19 and 31. Provided that where such law is a law made by the legislature of a state, the provision of this article shall not apply there to unless such law having been reserved for the consideration of the president, has received his assent"
protected from challenge against articles 14, 19 and 31. The amendment also added seven more land reform legislations to the Ninth Schedule to the constitution making them immune from Challenge for violating any of the provision contained in part III of the constitution. In this way the move for distributive justice was on the march and was inducted into constitution through this amendment and its basic objective was to establish a socialistic pattern of society in India. It was in 1964 that Parliament carried out Seventeenth Amendment in the constitution. The need to bring the seventeenth amendment in constitution arose when agrarian reform legislations passed by the various State legislatures were struck down by the judiciary on the ground the term 'Estate' article 31-A didn't include lands held under Ryotwari settlement. Moreover the situation became quite complicated when the term 'Estate' was interpreted differently by different state. Hence, Seventeenth Amendment Act, 1964 was brought to tide over all these bottlenecks. It enlarged the definition of 'Estate' as contained in Article 31-A so as to cover the land held under Ryotwari settlement as well as

53 See, Ninth Schedule, S.Nos 14-20.
other lands in respect of which adequate provisions were not made in the land reforms enactments. The amendment also validated Fortyfour land reform legislations by placing them into the Ninth Scheduled to the Constitution. The basic objective of the Parliament to carry out the Seventeenth Amendment was to remove uncertainty in the areas of land reform and enable the state to have a greater power in the matter of land acquisition and its distribution. In brief the amendment is an earnest attempt to remove all obstacles in fulfillment of philosophy of distributive justice aimed at by our wise founding fathers of the constitution.

A grave situation arose in 1967 when the supreme court held that fundamental rights could not be impaired even through the process of amendment. The triple decisions of the apex court dashed all the hopes of the government to ground to implement the philosophy of distributive justice. The Parliament realized the fact that these three decisions combined together had really crippled the state machinery and weakened the movement of distributive justice. Thus the Twenty forth Amendment Act, 1971, was enacted as an answer to Golak Nath, the Twenty

57. See,Ninth Schedule., S.Nos 21-64.
58. Ibid.
59. See, supranote, 56.
61. Supra note, 56.
Fifth Amendment Act, 1971 to the Bank Nationalization case 62 and Twenty-fourth Amendment Act, 1971 to the privy purses case. 63 The Twenty-Fourth Amendment act, 1971 added in Article 13 (4) the following words; "Nothing in this articles shall apply to any amendment of constitution made under Article 368." 64 Further, Parliament was empowered to amend by way of addition, variation or repeal any provision of this constitution in accordance with the procedure laid down in Article 368 specifically making it clear that, Nothing in Article shall apply to any amendment made under this article.

The need to bring Twenty-Fifth amendment to the constitution was badly felt to overcome the difficulties placed in the way of the implementation of Directive Principles of the decision by the Supreme Court in Bank Nationalization case 65. Accordingly, a new article 31-C was inserted which lays down: "Notwithstanding anything contained in Article 13, no law giving effect to the policy of the state towards securing the principles specified in clause (b) or clause (c) of Article 39 shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14, Article 19 or Article 31, and no law

62. AIR 1970 SC 565
63 AIR 1971, SC 530
64. See, Constitution Twenty Fourth Amendment Act, 1971, Sec. 3.
65. Supranote, 62.
containing a declaration that it is for giving effect to such policy shall be called in question in any country on the ground that it does not give effect to such policy;

Provided that where such law is made by the legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent".

The objective to incorporate Article 31(c) was to give effect to economic directives envisaged in Art 39(b) and (c) which obligates the state to secure the distribution of ownership and control of material resources of community to subserve the common good and to secure that the economic system does not result in concentration in wealth and means of production to the common detriment. The parliament also substituted the word compensation by the word amount with a view that the adequacy of compensation cannot be questioned in the courts. The Parliament was highly of the view that right forum to determine the account by way of compensation was legislative and not the court. The Parliament thus restricted the scope of judicial review by two devices — (i) by giving Directive Principles of State Policy contained in Article 39 (b) and (c) precedence over

66. For detail see, constitution of India, Articles 39(b) and (c)
67. See Supranote 36, p 325.
Fundamental Rights envisaged in Articles 14, 19, 31 and (ii) by excluding certain matters from the scope of the courts.

The constitution Twenty-Sixth Amendment Act, 1971 was brought with a view to terminate the Privy Purses and privileges of the former Rulers of princely states. The parliament realized the fact that the concept of rulership with Privy purses and special privileges was absolutely unrelated to any current functions and social purposes. It was therefore necessary for this purpose, apart from amending the relevant provisions of the constitution to insert a new article therein so as to terminate expressly the recognition already granted to the former Rulers and abolish Privy Purses and also abolish all Rights liabilities and obligations in respect of Privy Purses. Hence Article 363 (A) was added which lays down as follows: Recognition granted to Rulers of Indian States to cease and Privy Purses to be abolished. Notwithstanding anything in this constitution or in any law for the time being in force:

(a) the Prince, Chief or other person who at any time before the commencement of the constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the ruler of an Indian State or any person who, at any time before such commencement, was recognised by the Precedent

68. Ibid, p 326.
as the successor of such ruler shall, on and from such commencement, cease to be recognised as such Ruler or the successor of such Ruler;

(b) on and from the commencement of the constitution (Twenty-sixth Amendment) Act, 1971, Privy Purse is abolished and all rights, liabilities and obligations in respect of Privy Purse are extinguished and accordingly the Ruler or, as the case may be the successor of such ruler, referred to in clause (a) or any other person shall not be paid any sum as privy purse".

The Parliament went a step forward to take up a task for agrarian reforms by bringing the constitution (Thirty-Fourth Amendment) Act, 1974. The present amendment was brought by the parliament with regard to reduction in the ceiling on land holdings, application of ceilings on the basis of land held by a family and the withdrawing of the exemptions. The parliament accepted the suggestions of the Chief Ministers Conference held on 23rd July 1972 and amended Ninth Schedule to the constitution to include there in revised ceiling laws which had till then been enacted in broad conformity with the guide lines of the Chief Ministers conference, 1972. The schedule was amended because of the fact that parliament intended to provide protection under Article 31-B of the constitution to these legislations. Hence, in the Ninth Schedule of the Constitution, twenty new agrarian reform legislations were inserted to encourage land reforms and accomplish the goal
of distributive justice.\(^{69}\)

Parliament was further encouraged by the verdict of the apex court\(^{70}\) to go further to bring about social revolution in accordance with the spirit of Indian constitution. To quote, K.K. Mathew, J. "If Parliament in its capacity as amending body, decides to amend the constitution in such a way as to take away or abridge the fundamental right to give priority value to the moral claims embodied in Part IV of the constitution, the court can not adjudge the constitutional amendment as bad for the reason that what was intended to be subsidiary by the constitution- makes has been made dominant."\(^{71}\)

Parliament by bringing Thirty-Ninth Amendment Act, 1975 added thirty eight agrarian reform legislations in the Ninth Schedule with a view to save them from the attack of the judiciary.\(^{72}\) The intention of august body of the Parliament to bring this amendment was to encourage land reforms within honest endeavour to weed out inequalities in status and facilities in opportunities among the people at large.

The heroic task to assist the philosophy of distributive justice was completed to a great extent when

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69. See, Ninth Schedule Serial Nos 67-86
72. See, Ninth Schedule, Serial Nos 87-124.
the parliament brought the constitution (Forty-second Amendment) Act, 1976 into existence. The basic objectives of Forty-second Amendment was to set at rest the agitated problem of relationship between the Directive Principles and fundamental rights. Parliament by this act made it clear that "times have now changed in the world, conditions have altered in India, the residence of power has shifted Raj to Republic." Accordingly, three more articles to Part IV of constitution were added to boost up the spirit of distributive justice. Article 39-A was designed to put the state under obligation to secure the operation of legal system promoting justice on the basis of equal opportunity and in particular to provide Free Legal Aid to ensure that opportunities for securing justice are not denied to any citizens by reason of economic and other disabilities. Article 43-A obligated the state to take steps to secure the participation of workers in management of undertakings, establishment or other organisation in an industry. Further, Forty Second Amendment made a number of vital changes in Part IV of the constitution. The supreme position was assigned to the Directive Principles over the Fundamental Rights by amending Article 31-C which reads as follows: "Notwithstanding anything contained in Article

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74. These articles were Article 39-A, Article 43-A and Art 48-A.
14, no law giving effect to the policy of state towards securing all or any of the principle laid down in part IV shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14, Art 19 or Art 31. The entire philosophy behind this amendment is to secure socio-economic justice to the poor. That is why the parliament thought it well that the rights conferred in Part III must need to be consonant with the Directive Principles contained in Part IV of the constitution.

The concrete legislative step to provide justice to the poor people of the society was taken by the parliament by bringing Forty-Fourth Amendment Act, 1978. The amendment has taken away the right to property from the category of fundamental rights and made it a right which can be regulated by ordinary law. A new article 300-A in part XII of the constitution has been inserted to provide that "No person shall be deprived of his property save by authority of law". The amendment seems to have been necessitated because of the fact that judiciary always accorded a special position to the right to property. The true purpose of amendment is to make the right to property cease to be a fundamental rights and to take away the right to property from the category of fundamental rights.

75 See, The constitution Forty Second Amendment Act, 1976, Sec.5.
76 See, Supranotes 48, 49 and 50.
Section 9 of constitution Forty Fourth Amendment Act, 1978 obligates the "state to strive to minimise the inequalities in income, and endeavour to eliminate in equalities in status, facilities, opportunities, not only amongst individuals but also amongst groups of peoples residing in different area or engaged in different vocations".

To sumup, the entire history of amendment relating to agrarian reforms discussed above is the symbol of an earnest attempt to cherish the goal of distributive justice envisaged in our national charter. The constitution has been amended from time to time with a view to establish a socialistic pattern of Indian society. The sole attempt to bring these amendments is to bring the principal means of production under social ownership or Control and consequently the production is progressively speeded up to ensure equitable distribution of national wealth. Truely speaking, Parliament does not seek to abolish private property all together but seeks to put it under strains so that it may be used in the interest of the nation, which includes the upliftment of the poor. To epitomize, the parliament has successfully favoured the idea of mixed economy with a strong commitment to offer, "equal opportunity' to all and abolish 'vested interests' of the upper strata of the society.\(^\text{77}\)

\(^{77}\) It is for the reason that the word 'Socialism' has now been inserted by Constitution (Forty Second Amendment) Act, 1976.
Untouchability Act, 1955

The problems of untouchability in India is of historical origin. It is unique Hindu social institution which existed even in the remote past. Even during the period of British rule in India, it received indirect support from ancient Hindu law of castes group who enjoyed active support of the courts in upholding their claim for precedence and exclusiveness. Courts used to grant injunction to restraint members of particulars caste from entering temples – even one that were publically supported and dedicated to the entire Hindu community. Damages were awarded for pacificatory ceremonies necessitated by the pollution caused by the presence of lower caste. Such pollution was actionable as a trespass on the person of higher caste worshiper. However, at the turn of Nineteenth Century the depressed classes became an important focus of concern among reforms. Especially after 1909, the proposal for special legislative representation for 'untouchables' perpetuated untouchability from the realm of philantropy into the political arena. So even before independence, there were made serious legislative attempts to give a fair deal to untouchables by enacting the following legislations.


Similarly, various legislations on these lines were enacted by various provinces of India to remove social disabilities against untouchabilities, variously described as 'Harijans', Scheduled Castes, in regard to public facility like wells and roads and places of public accommodation like shops, restaurants and hotel.

The constitution of India has carried the prohibition of Untouchability a step forward. Article 17 has been embedded to constitution with a sole purpose to abolish untouchability and its practice in any form has been declared forbidden. It further provides that enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law. Parliament is vested with the power to make legislations for the eradication of untouchability. Accordingly parliament has enacted Untouchability (Offences) Act, 1955.

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80. Ibid
81. For detail see, constitution of India, Article 17.
To achieve dignity and claim equality in all sphere\textsuperscript{82}, the Act was amended by the untouchability (Offences) Amendment and Miscellaneous Provisions Act, 1976 and is now called the protection of Civil Rights Act, 1976. The object of the parliament to bring this legislation is to prescribe punishment for preaching and practice of 'Untouchability for the enforcement of any disability arising therefrom and for matters connected therewith\textsuperscript{83}.

\textsuperscript{82} Ibid; Article 15(2). It provides that no disability shall operate on grounds only of religion, race, caste, sex, place of birth of any of them with regard to (a) access to shops, public restaurants, hotels and places of public entertainment. (b) the use of wells, tanks, bathing ghats roads, places of public resort maintained wholly or partly out of state funds or dedicated to the use of the public.

\textsuperscript{83} For detail see, protection of Civil Rights Act, 1976, See 17; It repeals the following enactment as specifically in the schedule to act, to the extent to which they or any of the provisions contained there in correspond or are repugant to this act or any of the provisions contained therein-

1) The Bihar Harijan (Removal of civil Disabilities) Act, 1949 (Bihar Act XIX of 1949)
3) The Bombay Harijan Temple Entry Act, 1947 (Bombay Act XXX of 1947)
5) The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces and Berar Act XII of 1947)
8) The Orrisa Temple Entry Authorisation Act, 1946 (Orrisa Act XI of 1946)
9) The Orrisa Temple Entry Authorisation Act, 1948 (Orrisa Act XI of 1948)
The Civil Rights Act, 1976 provides that whoever, on the ground of untouchability prevents any person (a) from entering any place of worship, which is open to other persons professing the same religion or any section thereof as such person, or (b) from worshiping or offering pray for performing any religious service in any place of public worship or bathing in, or using the water of any sacred tank, well, spring or water course, river or lake or bathing at any ghat of such tank, watercourse, river or lake, in the same manner and to the same extent as is permissible to other persons professing the same religion or any section thereof, as such person, shall be punishable.

12) The Hyderabad Harijan Temple Entry Regulation, 1358F (no. LVI of 1358 Fasli)
13) The Hyderabad Harijan (Removal of Social Disabilities) Regulation 1358 (No. VI of 1358 Fasli).
14) The Madhya Bharat Harijan Ayogta Nivaran Vidhan, Samvat 2005 (Madhya Bharat Act No. 15 of 1949)
15) The Removal of Civil Disabilities Act, 1943 (Mysore Act X.II of 1943)
16) The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XLII of 1948)
17) The Savarashatra Harijan (Removal of Social Disabilities) Ordinance (No, XLI of 1948)
18) The Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1125 (Travancore-Cochin Act VIII of 1125)
21) The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949)
with imprisonment of term not less than one month and not more than six month and also with fine which shall be not less than one hundred and not more than five hundred rupees.  

Similarly, the Act provides that whoever compels any person on the ground of untouchability to do any scavenging or sweeping or to remove any carcase or to flay any animal or to remove the umbilical cord or to do any other job of similar nature, shall be deemed to have enforced a disability arising out of untouchability. The Act also provides that whoever (i) denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a members of such community or section; (ii) takes any parts in the ex-communication of such person, on the ground that such person has done any act in furtherance of the objects of this Act, shall be punishable with imprisonment for a term not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.

The merit of the Act lies in the fact that the court shall presume, unless the contrary is proved that such act was committed on the ground of untouchability. Hence the onus of proof is not on the prosecution as it normally is, but on the defendant to prove his innocence.

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84. For detail see, Ibid Sections 3-6.
85. Ibid, see 7A (1).
86. Ibid, see .12.
A significant step undertaken by the parliament towards the welfare of scheduled castes and scheduled tribes which deserves a special mentioning relates to the prevention of atrocities on the scheduled castes and scheduled tribes. The most abominable form of atrocities which were prevalent throughout the country have been declared as illegal by passing of The scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Whoever causes atrocities on the scheduled castes and schedule tribes are now punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine. The state government has been empowered to make welfare schemes to prevent atrocities and restore the feeling of security amongst the members of scheduled castes and scheduled tribes. A District Magistrate or Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of Deputy Superintendent of Police may, on receiving information that a person or group of persons is likely to commit an offence or has threatened to commit any offence under Act may take necessary action for keeping the peace and good behaviour and maintenance of Public order and tranquillity and may take preventive

87. For the meaning of word atrocities, see—The Scheduled castes and the scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 3.
action. Whoever being a public servant, wilfully neglects his duties required to be performed by him under this Act is punishable with imprisonment for a term which shall not be less than six months but which may extend to one year. The Act further provides for the establishment of special courts in order to provide speedy trial of the offences under the Act. The hands of Central Government have been strengthened by enlarging its power to make rules for carrying out the purposes of this Act.

The Act truly aims at providing justice to the down-trodden who is an integral part of our nation. The efforts under the Act have been made to prevent the commission of the offences of atrocities against the members of scheduled castes and scheduled tribes and provide relief and rehabilitation to the victims of such atrocities and for matter connected therewith or incidental threat. They have been saved from all kinds of exploitation which oftenly are experienced by these poor brethren in the process of their development. Hence, the legislation is a brave step towards the realization of the philosophy of distributive justice envisaged in our national character.

88. Ibid, Sec 17
89. Ibid, Sec 4.
90. Ibid, Sec. 3(1) and 3(2)
Children constitute very important and a significant segment of our society. In fact they are the foundation of every society and the state. If the foundation is weak then of course the state and society will not be strong. Keeping this philosophy in mind, children and their problems have been receiving attention of the legislatures since ancient time. To quote Mr. J. Subba Rao, the former C.J. of India, "Social justice must begin with children. Unless tender plant is properly nourished, it has little chance of growing into strong and useful tree. So first priority in the scale of social justice shall be given to the welfare of children." To go a step further, Gariela, Minister of Chile, a noble Prize winning poet, has rightly remarked, "we are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of things we need can wait. The child cannot. Right now is the time, his bones are being formed, his blood is being made and his senses are being developed. To him, we cannot answer, 'Tomorrow' His name is Today." 

Despite the fact that children are the

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hopes of the Nation's future, it is unfortunate that children in India have not received proper attention they deserve. It is revealed that first law relating to the welfare of children was passed under the title Apprentice Act, 1950 to provide better treatment for children between 10 and 18 years of age. A real move to formulate Children Act was started in 1919-20 on the recommendations made by Indian Jails Committee (1919-20). Similarly, Madras, Bengal and Bombay Presidencies enacted their Children Acts in 1920, 1922 and 1924 respectively to provide for (a) The custody, trial, maintenance, welfare, education and punishment of young offender, and (b) for the protection of children and young person who were destitute or in moral, or in need of care and protection. Subsequently, many other provinces brought similar types of legislations for their welfare.

It was, however, after independence that a special attention was adverted to the problems of Children in India. A number of Child welfare programmes have been formulated and implemented through special protective and welfare legislations. The constitution of India has laid down a distinct philosophy of child welfare which is reflected in the various provisions enshrined in our constitution. Art 15(3) enable state to make special

provision to the children. No child below the age of fourteen can be employed to work in any factory or mine or engaged in any other hazardous employment. Similarly, the state is directed to ensure that the tender age of the children is not abused and those citizens are not forced like economic necessity to enter into a vocation unsuited to their age or strength. The state has been obligated to the effect that children are given opportunities and facilities to develop in healthy manner and in condition of freedom and dignity and that childhood is protected against exploitation and moral and material abandonment. There is cast a constitutional duty on the state of provide for free and compulsory education for all children untill they complete the age of fourteen year.

In the light of constitutional mandate the Parliament and state legislatures have been wise enough to enact child welfare legislations from time to time to achieve the objective of distributive justice in favour of the children. The child welfare legislations are being enacted in accordance with the resolution of united Nations.

95. Quoted by V.R. Krishna, Iyer, Of Law and life (1979), P.8
96. These legislations are: The Mines Act, Children (Pledging of Marriage Restraint Act, 1929; Children (Pledging of Labour) Act, 1933; The Employment of Children Act, 1938 and The Factories Act, 1948.
97. See, Constitution of India, Part III, Article 23 24,
98. Ibid, Article 39(e).
Declaration of the Child which declares: "It shall be the policy of the state to provide adequate services to the children, both before and after birth and through the period of growth to ensure their full physical, mental and social development. The state shall progressively increase the scope of such services so that, with in a reasonable time, all children in the country enjoy optimum condition for their balance growth". 99.

The laws that have a special bearing on the welfare of the children, especially pertaining to Marriage, Divorce, Maintenance, Minority, Guardianship, may be mentioned as Hindu Marriage Act, 1955; Hindu Adoption and Maintenance Act, 1956; Criminal Procedure Code, 1973; Indian Penal Code, 1860; Suppression of Immoral Traffic in Women and Girls Act, 1956; Maternity Benefit Act, 1961; etc. The foregoing brief review of both civil and and criminal legislations affecting child welfare leads to conclusion that the intention of the legislators to enact these legislations has always been to promote child welfare. The survey of these legislations reveal that the making of agreement to pledge, the labour of Children to employment has been prohibited and declared as void 100. Such a contract will also be void under Indian contract Act.

99. Ibid, Article 39(b).
100. Ibid, Articles 45 and 47.
The detail attempt of the legislatures may be visualized by the broad discussion of the child welfare legislations enacted from time to time. The sumup of these legislations is as under:

(i) **Factories Act, 1948**

The factories Act, 1948 prohibits employment of a child below 14 years in any factory. To safeguard the health of young person of above 14 years of age and below 18 years, and for their safety, the act places a few other restrictions on their employment. Such young persons are required to obtain a certificate of fitness from certifying surgeon. The child belonging to the age group of 14 and below 17 years is not to be employed at night. Child between the age group of 14 and 15 years cannot be employed in more than one factory on the same day. The Act makes provision for creches to be provided by the employer in factories employing 50 or more women workers for the use of children of 6 years of age. These are broadly the provisions in the Act for the protection of children.

(ii) **Motor Transport Workers Act, 1951.**

The Motor Transport Workers Act, 1951

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101. See, West Bengal Children Act, 1959; Suppression of Immoral Traffic in Women and Girls Act, 1956; Central Children Act, 1960 etc.

102. For detailed study see, The Factories Act, 1948.
regulates the conditions of work of employees, in motor transport undertakings. The ambit of the Act is quite wide with regard to each worker. The Act is applicable to every transport undertaking employing five or more workers, and the State government has been given power to apply the provisions of the Act to even transport undertaking employing children in a motor transport undertaking. In the Act a child is defined as a person who has not completed 15 years of age. An adolescent is allowed to work provided he has a certificate of fitness granted by a certifying surgeon. The Act contains the provisions for offences and penalties on lines of the Factories Act, 1948.

(iii) Plantation Labour Act, 1951.

Plantation Labour Act, 1951 applies to plantation in tea, coffee rubber or cinchona which measures 10.117 hectares or more and in which thirty or more persons are employed and to such other plantation having this measurement and employing this number of persons as the state government after the approval of the central government may notify—provisions exists in the Act to prevent fragmentation of plantation by employers into small units to by pass the Act. The Act prohibits of employment of those children in plantation who have not completed the age. Every child over 12 and every adolescent is required to obtain a certificate of fitness from certifying surgeon. A child cannot work at night between 6PM and 7AM. The
total maximum working hours for child and adolescent are forty in a week. The Act prescribes a few welfare measures for the Children. A plantation employing 50 or more women workers is to have suitable room or creches for use of children below the age of 6 years. The Act also makes the provisions for education of children or workers employed in plantation. It has been provided in the Act that "where the children between the age groups of 6 and 12 of workers employed in any plantation exceed twenty five in number the states government may make rules requiring every employer to provide educational facilities for children in such manner and of such standards as may be prescribed. The Act contains the usual provisions for offences and penalties on the lines of Factories Act, 1948. (iv) Mines Act, 1952.

The Mines Act, was passed in the year of 1952. According to this act "No young person who has not completed the age of 16 years can be employed in any mine", A child cannot be present in any part of mine which is below ground, and also above ground after such date as the Centre Government may be notification fix. A young person who is between 16 years of age is allowed to work in part below ground, if he has a medical from a certifying

103. The age of Twelve year has however been omitted by Section 24 of The Child Labour (Prohibition and Regulation). Act, 1986.
surgeon. Ever then such person cannot be allowed to work at night, i.e. between 6 P.M. and 6 A.M. or between 10 P.M. to 5 A.M. in case central government so notifies.  

(v) **The Merchant Shipping Act, 1958**  

The Merchant Shipping Act, 1958 applies to sea going ships. It has some provisions regulating employment of children. The Act bars employment in any capacity of a person below 15 years in a ship except (a) in a school ship, or trenching ship in accordance with the prescribed conditions (b) In a ship in which all persons employed are members of one family; or (c) in a home tradeship of less than hundred tones gross or (d) where such person is to be employed on nominal wages and will be in the change of his father or other adult near male relative. The Act prohibits employment of person below 18 years as a timber or stoker in any ship.  

(vi) **Apprentics Act, 1961**  

The Apprentices, 1961 regulates the training of apprentices in industry so that the programmes may be organised on a systematic basis and the apprentices may get the maximum advantage of their training. The Act provides that a person who is less than 14 years of age will not be qualified for apprenticeship training. In other words only children between the age over 14 and below 18 years, are qualified.  

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104. Ibid  
105. For more details see, Mines Act, 1952.
commendable and will go along way in providing a sound training to children which would be an asset not only to the apprentices but also for the nation. Till 1971 the Act had been extended to 195 industries and 56 trades which were designated under this act.

vii) Beedi and Cigar Workers (Conditions of Employment) Act, 1966

There is a special statute, the Beedi and cigar workers Conditions of Employment) Act, 1966, regarding the conditions of Beedi and Cigar workers. Though the factories Act applies to these workers yet there had been a tendency on the part of the employer to split the concerns into smaller units to escape the provisions of the Act. Further, a special feature of this industry is that the manufactures of beedi get the work done through contract labour and also the private dwelling houses which again leads to avoidance of the factors Act. The act tries to meet these difficulties. It is applicable to all industrial premises where any manufacturing process connected with the making of beedi and cigar is carried on irrespective of the numbers of persons employed.

As far as the specific provisions of this Act with regard to child labour are concerned, no child i.e. a person who has not completed 14 years age be

106. However for the word 'fifteen' the word "fourteen" shall be substituted vide sec 25 of The Child Labour (Prohibition and Regulation) Act, 1986.
employed in any "industrial premises". A young person cannot be allowed to work between 7 P.M and 6 A.M. There are the provisions for creches to be provided by the employers.

Despite the many Acts passed before and after independence regarding child welfare, but owing to these all legislations child labour in India increased.

(viii) The Himachal Pradesh shops and Establishment Act, 1969

The Act provides for the regulation of conditions of work and employment in shops and commercial establishment. It prohibits employment of children by specifically incorporating the provision to the effect that "No child who has not completed the age of fourteen years shall be employed in any establishment".

The Act contains conditions of employment for young persons: (i) the total number of hours worked by a young person employed about the business of establishment, exclusive of interval for meals and rest, shall not exceed thirty hours in any one week or five hours in any one day. (ii) A young person employed about the business of an establishment shall not be employed continuously for more than

108. Ibid, Section 6.
than three hours without an interval of at least half an hour for meals and rest.

(iii) Govt. may prescribe further conditions in respect of the employment of young persons employed about the business establishment or any class of them including if it thinks fit, condition with respect to the daily period of employment of those persons, and no such person shall be employed otherwise than in accordance with those conditions.

(iv) In the case of any contravention of, or failure to comply with, the provision of this section, the employer shall be liable or conviction, or a fine which is shall not be less than fifty rupees but which may extend to two hundred.

(ix) The Child Labour (Prohibition and Regulation) Act, 1986

The intention of the Parliament to bring this legislation into existence is to prohibition the engagement of children in certain employments and to regulate the conditions of work of the Children in certain other employment. It contain the directive that no child shall be employed or permitted to work in any occupation connected with — (i) transport of passengers, goods or Mail by railway; (ii) cinder picking, clearing of an ash pit or building operation in the railway premises; (iii) work in catering establishment at a railway station, involving the
movement of a vendor or any other employee of the
establishment from one platform to another or into or out
of the moving train; (iv) work relatively to the
construction of a railway station or with any other work
where such work is done in close proximity to or between
the railway lines
(v) A port Authority within limits of any port or in any
workshop where in any of the processes like Bidi-making
Carpet weaving, Cement manufacturing, cloth printing and
fire work, Mica-cutting and splitting, shell manufacture,
tanning, wool clearing, building and construction industry
are carried on by the employer.

The employer has been put under statutory
obligation to the effect that he cannot permit the child to
work in his establishment in excess of such number of hours
as may be prescribed by law for such establishment from
time to time. The Act lays down that no period of work
on such day shall exceed three hours and that no child
shall work for more than three hours before he has had an
interval for rest for at least one hour. The child
cannot be permitted or required to work between 7 p.m. and
8 p.m. The child has been permitted to enjoy a holiday

109. For detail see, The child labour (Prohibition and
Regulation) Act, 1986, Section 7 (2)
110. Ibid.
111. Ibid, Sec 7(4)
of one whole day in each week. The act authorises the appropriate Government to make rules for the health and the safety of the Children employed or permitted to work in any establishment in work by notification in official Gazette. The rules may provide for all or any of the following matters, namely:

(a) Cleanliness in the place of work and its freedom from nuisance;
(b) disposal of waste and effluents;
(c) Ventilation and temperature;
(d) Dust and fume;
(e) artificial humidification;
(f) lighting;
(g) drinking water;
(h) latrine and urine;
(i) spittoons;
(j) fencing of machinery;
(k) work at or near machinery in motion;
(l) employment of children on dangerous machines;
(m) Instructions, training and supervision in relation to employment of children on dangerous machines;
(n) device for cutting of power;
(o) Self acting machine;
(p) easing of new machinery;

112. Ibid, Sec 8.
(q) floor, strain and means of excess;
(r) pits, sumps, opening in floor, etc;
(s) excessive weights;
(t) protection of eyes.
(u) explosive or inflammable dust, gas, etc,
(v) precautions in case of fire;
(w) maintenance of buildings and;
(x) Safety of building and machinery;

The Act also includes the penalty provisions. Whosoever employs any child or permits any child to work in contravention of provisions of this Act has been made punishable with imprisonment or fine or with both. Provisions have been made to constitute child Labour Technical Advisory committee with a view to extent advice to the Central Government for the purpose of addition of the occupation and the processes to the schedule. The Government has been empowered to appoint inspectors for the purpose of securing compliance with the provisions of this set. Government may by notification the official Gazette, make rules for carrying into effect the provisions of this Act.

113. Ibid, Sec 14.
114. Ibid, Sec 17.
115. Ibid, Sec 18.
Moreso, Central Government has been delegated powers under this Act to make rules as appears it to be necessary or expedient for the removal of difficulties arising while its execution.\footnote{Ibid, See 21}

It may thus be summed up that after independence a new branch of jurisprudence known child welfare jurisprudence' has developed in our country. Its development is mainly of post independence era although its birth may be traced back even in pre independence era. The concept of Child welfare existed in a rudimentary form in British and pre British era. The real consciousness’ in this field seems to have been witnessed after we got independence. The intention behind all child welfare legislations is to safeguard their interests and promote their welfare in every walk of their life. All legislations dealing with child welfare are obligatory and binding on the employer even if they are unacceptable to him. The birth of child welfare legislations in our country may be ascribed to the constitution of India which made more articulate and clear the philosophy of child welfare. Accordingly, Parliament and the State legislatures have helped a lot in shaping the entire child welfare jurisprudence through legislations.

\footnote{Ibid, See 21}
(iv) Women Welfare Legislations

The wise founding fathers of our constitution were rightly conscious of the fact that the distributive justice under Indian constitution would remain far cry unless women are brought on par with men in Indian society. Thus they endeavoured to draft a constitution that could ensure not only formal equality of sexes but also visualize affirmative action for bringing about equality in fact. In order to achieve this objective, Article 15(3) has been designed with a view to empower the state to make special provisions for the welfare of women in India. The state has been put under constitutional mandate not to discriminate against any women on grounds only of religion, race, caste, sex, place of birth or any of them. No woman on grounds only of them can be subjected to disability, liability, restriction or condition with regard to:

(a) access of shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort, maintained wholly or partly out of state funds or dedicated to the use of the general public.

Similarly, in the matters of public

117. See, Constitution of India, Articles: 15 (1) and 14
employment, discrimination on the ground, inter-alia, of sex is prohibited by Article 16(2) of the constitution. The mandate of Article 16(1) and 16(2) runs as follows:

(i) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.

The makers of the constitution enjoins upon the State the duty to direct its policy towards securing that the citizens, man and woman equally have the right to an adequate means to livelihood and that there is equal pay for equal work for both man and woman. The constitution also obligates the state to evolve policy towards securing that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength. The state has been put under duty to make provisions for securing just and humane conditions.

118. Ibid, Article 39 (a)
119. Ibid; Article 39 (d)
120. Ibid; Article 39 (b)
121. Ibid; Article 39 ,Art 42
for work and for Maternity Benefits in favour of the women workers.

The intention of the framers of the constitution is evidently quite clear to the effect that they wanted the state to promote with special care the educational and economic interests of the weaker section of the people which obviously includes women from injustice and all forms of exploitation. Thus keeping in view the constitutional mandate with regard to the equality of status and welfare of women, the Parliament and State legislatures are continuously coining welfare legislations for the upliftment of the women and bring equality between the two sexes. In pursuance of the constitutional commitments the union and State Legislatures have made various legislations to extend protection to women against exploitation. The significant aspect of the legislation dealing with women relates to personal laws, proprietary laws, labour laws, maternity laws, criminal laws, etc.

In the field of personal laws, Indian Parliament and the State legislatures have brought many legislations into existence with the objective in mind that the legal status of women in the area of personal law is improved and brought on par with the main section of the society. Hindu Marriage Act, 1955 has been enacted by the

122. Ibid; Article 46.
123. The Hindu Marriage Act, 1955
Parliament to provide justice to the exploited Hindu woman in the field of marriage. Thus section 5 of Hindu Marriage Act specially lays emphasis on monogamy\textsuperscript{124}. According to this Act the monopoly of husband to have more wives and exploit them has been curtailed by providing that neither party to the marriage should have a spouse living at the time of marriage\textsuperscript{125}. The marriageable age of the woman has been raised to eighteen\textsuperscript{126} with a view that woman in India is not treated as a mere child producing machine. It is a welcome step towards the improvement of her health and allow her to grow up with full confidence in the society. Similarly, the concept of divorce has also provided a great social justice to Hindu Women. The philosophy 'Pati—Parmeshwar' has been virtually brought down to earth and he now no more possesses the divine right to do as he pleases. The members of the parliament were quite sensitive to the issue of distributive justice in favour of women, that is why section 13 of Hindu Marriage, Act specifically provides for the ground on the basis of which wife may seek divorce and get the tie of marriage dissolve by a decree of divorce on the grounds\textsuperscript{127} of adultery, cruelty, desertion, conversion, insanity, leprosy, venereal disease.

\textsuperscript{124} Ibid Section 5  
\textsuperscript{125} Ibid; Section: 11 and 17 Also see, Indian Penal Code, 1860, Sections. 494 and 495  
\textsuperscript{126} Ibid, Section: 5(iii)  
\textsuperscript{127} Ibid, See 13
renunciation of world, absence of a person for seven years or more, noncompliance of decree of judicial separation for one year or more, and noncompliance of a decree of restitution of conjugal rights for the same period. She has also been afforded additional grounds on the basis of which she can seek divorce from the courts.  

Parliament has brought a sea changes in the status of women by enacting, Marriage Laws (Amendment) Act, 1976. It aims at making divorce easier so that the position of the women is not exploited by the mighty husband. The idea of Marriage Laws (Amendment) Act, 1976 is to improve the social status of women by making divorce by mutual consent easiest one. The position of woman has been further strengthened by making the term 'Maintenance Pendent lite' an integral part of the personal law. It enables the Hindu women to get financial assistance from her spouse for maintenance as well as for meeting the expenses of the proceedings. The court may on application made by a wife who doesn't have any independent income to support her order the husband to pay to his wife the expenses of proceeding and such monthly sum which the court consider reasonable looking to the income of her husband.

128. Ibid
129. For detail see, Marriage Laws (Amendment) Act, 1976; Section 13(a) and (b).
130. Hindu Marriage Act, 1955, SS; 24 and 25.
Similarly, the position of the women belonging to various sects, such as Christian, Muslim, etc, has also been improved a lot by elevating their legal status on par with the men section of the society.\textsuperscript{131}

One important manifestation of equality and justice is the policy directive of the uniform Civil code or the family law for all members of the republic. The states in India have not left each and every aspect of the law of personal status, family relations and succession, to be governed by the various denominational laws. Certain laws, meant to be applicable to all Indian alike, have now been enacted in the said areas. In the course of time a body of Indian laws of personal status, etc has come to existence. The Muslims laws like all other personal laws, operate in India only so long as its application is not ousted by any of such uniform laws enacted in this country. An array of legislations have been enacted which more or less replace, or control the application of the contrary principles, including Muslims laws.\textsuperscript{132} To be brief, the very purpose of the Muslim women’s (Protection of Rights on Divorce) Act, 1986 is to allow the Muslim women to have

\textsuperscript{131} For detail see, Welfare legislations such as; Indian Christian Marriage Act, 1872; Parsi Marriage and Divorce Act, 1936; Special Marriage Act, 1959 and The Muslim’s women (Protection of Rights on Divorce) Act, 1986.

maintenance from her husband at the time of divorce. Section 3 of the Act reads: "(i) Notwithstanding anything contained in any other law for the time being in force, divorced woman shall be entitled to—(a) a reasonable and fair provision and maintenance to be made and paid to her with in the iddat period by her former husband. (b) Where she herself maintains the children born to her before or after her divorce, a reasonable and fair provision and maintenance to be made and paid by her former husband for a period of two years from the respective dates of birth. (c) an amount equal to the sum of Mahr or Dower agreed to be paid to her at the time of her marriage or at anytime thereafter according to Muslim law; and (d) all the priorities given to her before or at the time of marriage or after he marriage by her relatives or friends or the husband or any relatives of the husband or his friend.

In the field of proprietary laws the Indian legislatures have endeavored a lot to bring legislation to the effect that existing discrimination is done away with especially with regard to proprietary rights of the women. New laws have therefore, been made to uphold the equality principle and render justice in favour of women section. The effect of new legislations governing proprietary rights in favour of women in India is of great appreciation. The
philosophy of 'Mitakshara and Dayabagha' schools of Hindu law, having different rules of succession, have been discouraged and substituted by new legislations. Similarly, efforts have been made to strengthen equality principle between christians male and female with regards to their proprietary rights. The principle of equality amongst sexes in the matter of succession have been given a statutory recognition and specifically lay down that rules of devolution of property incase where a person dies intestate and is not a Hindu, Mohhamadan, Sikh, Jain, Buddhists or Parsis.

The property right of the woman under Hindu succession Act, 1956 has now been made absolute one. She has right to alienate the property and has full power to manage her inherited property according to her will without any restriction. The Act has changed the entire spectrum of women's right to property available to her under Hindu Women right to Property Act, 1937. The Hindu Women has now been recognised as one of the legal heirs specified in Class I and Class II of the schedule. The Act has really heralded a new era where the women's right to property has been declared as absolute one. Section 14 of

133. For detail see, Hindu Succession Act, 1956; SS-8,14,15 and 16.
134. See, Indian Succession Act, 1925; Sections 32-49.
135. Supranote, 133
136. Ibid; See 8, Schedule, Class I and Class II heirs.
the Act has really made her absolute owner of the inherited property and is really a step forward towards realizing the goal of distributive justice in the favour of women. The male and female now have right to inherit simultaneously in accordance with the list of class I and Class II heirs. Property possessed by a female. Hindu can be held by her as full owner thereof and not as a limited owner. Thus the foregoing study reveals that the intention of the law makers is really to erase injustice and remove permanently the legal shackles by abolishing the concept of women's or widow's estate once and for all.

Parliament has put a great deal of efforts in maintaining equality between men and women in the matter of adoption. The fundamental objectives of enacting Hindu Adoption and Maintenance Act, 1956 is to bring about vital changes and put women on par with men in the matter of adoption of the Child. The legislation is really a sincere endeavour to reshape the destiny of women by bringing the following changes:

(i) the act permits the adoption of either a son or a daughter.

(ii) it insists on the consent of wife for giving or taking in adoption.

(iii) it gives women the right to adopt if

137. Ibid;
138. Ibid; Sec 14.
she is unmarried, widowed or divorced. The legislature has also granted a superior position to women as guardian of their child. The Hindu Minority and Guardianship Act, 1956 is a great departure from the law. It has really improved the status of women as far as guardianship is concerned. It has abolished the practice whereby a father could, by making a will, exclude mother from guardian. Now the Act enables the mother automatically to become the guardian of her children after father’s death. Even if father had appointed a guardian, such appointment remains in a abeyance. Mother can even appoint a guardian of her child in her own will. The spirit behind this Act is to render justice to women in the capacity of a mother and function as guardian in her full capacity to promote welfare of her children.

Similarly, a number of labour legislations have also been enacted to promote the conditions of women workers in accordance with the commitment envisaged in our National Charter. The Indian legislators have enacted labour welfare legislations to accomplish the goal of distributive justice which implies first, that equitable distribution of profit and other benefits be positively assured. Second that women workers are protected against

139. Hindu Adoption and Maintenance Act, 1956; Sections 8, 9 and 10.
140. Ibid; Sections 6 and 9
harmful effects to their health, safety and morality. Therefore, all legislations concerning women workers welfare have been designed in such a fashion that injustice based on unequal birth and opportunity is undone and wealth is distributed as equally as possible between men and women. The concept of distributive justice has been made integral part of the Industrial laws. It is exclusively founded on the basic idea of socio-economic equality between men and women and its aim is to assist the removal of socio-economic disparities and inequalities to ensure the fulfillment of dream of 'Welfare State'.

Accordingly, Equal Remuneration Act, 1976 has been enacted to provide for the payment of equal remuneration to men and women worker and for the prevention of discrimination on the ground of sex, against women in the matter of employment. The legislation has been brought to give effect to the philosophy of 'equal pay for equal work both men and women' envisaged in Directive Principles of State Policy. Moreover, the employer has been forbidden under the Act to make any kind of discrimination against women while making recruitment for the same work or work of similar

141. See, Constitutional of India, Articles; 15(3), 38, 39(d) and (c), 42, 43(a) and 47.
142. Ibid; Art 38
143. Equal Remuneration Act, 1976, Chapter III, Sec. 4.
144. Ibid; Chapter II, Sec 5.
nature, except where the employment of women in such work is prohibited or restricted under law for the time being.

In order to give effect to the philosophy contained in Article 42 of the Constitution, the Parliament has enacted the Maternity Benefit Act, 1961 to regulate the employment of women in certain establishment for certain period before and after child birth and to provide for maternity benefit and certain other benefits. The aim of the act is to provide the maternity protection to the women. The employer has been prohibited to employ a women in his establishment during the six weeks immediately following the day of her delivery or her miscarriage. The woman cannot be required by her employer to do during the six weeks immediately following the day of her delivery or her miscarriage any work which is of any arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or normal development of the foetus, or is likely to cause her miscarriage or otherwise to affect her health. The Act makes every women entitled to the maternity benefits at the rate of average

145. Supranote 141 Article 39(d)
146 Supranote 143, Chapter II Sec 5.
147 Constitution of India, Art 42: It directs State to make provision for securing just and humane Conditions of work and for Maternity relief.
daily wage for the period of her actual absence immediately preceding and including the day of her delivery and for the six week immediately following that day. Where a woman dies during maternity leave, she is entitled for maternity benefit payable only for day upto and including the day of her death. The Act further provides that where a woman having delivered of child, dies during her delivery or during the period of six weeks immediately following the date of her delivery, living behind in either case the child, the employer has been made liable for the Maternity Benefits for the entire period of six week immediately following the day of her delivery.

The Maternity Benefit Act functions as an

149 Ibid; Section 5 (3)
150 Ibid; Section 21 (Now the section 2106 Act substituted by the Maternity Benefit Act, 1988 and Section 9 of the Act lays down that
(i) if any employer fails to pay any amount of maternity benefit to a woman entitled under this Act or discharges or dismisses such woman during or on account of her absence from work in accordance with the provisions of this Act, he shall be punishable with imprisonment which shall not be less than three months but which may extend to one year and with fine which shall not be less than two thousand rupees but which may extend to five-thousand rupees
(ii) If any employer contravenes the provisions of this Act or the rules made thereunder, he shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

Provided that where the contravention is of any provision regarding Maternity benefit or regarding payment of any other amount and such maternity benefit or amount as if it were a fine and pay the same to the person entitled there to.
anchor sheet to safeguard her against the danger of dismissal or discharge during her absence of pregnancy. In case the employer contravenes the provisions of the Act or rules made thereunder, he is liable to be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both. 151

In order to protect woman against occupational hazardous, Indian legislators have brought in any legislations to safeguard them against dangers posed at factory or work place. The Indian Factories Act, 1948 does not allow the women workers to stand near furnaces, lift heavy load or work at odd hours. No woman is allowed in any factory to clean, lubricate or adjust any part of the machinery while that part is in motion, or to work between moving, parts or between fixed and moving parts, or any machinery which is in motion. 152 She has also been prohibited to be employed in any part of the factory for pressing cotton in which a cotton opener is at work. 153 No woman can be employed in any factory except between the hours of 6 AM and 7 PM. 154 The Act also safeguards the woman against the risk that arise from dangerous gases.

151 Ibid; Section 21 (Now the section 21 of Act substituted by the Maternity Benefit Act, 1988 and Section 9 of the Act lay down; 
152 The Indian Factories Act, 1948, Sec 22(2) 
153 Ibid; Section 27. 
154 Ibid; Section 66 (1) (b)
acids, dusts, microorganism and rarefied atmosphere, improper lighting, temperature humidity and excessive strains. 

Apart from the women welfare legislative provisions discussed above, these are special provisions for women in Criminal Procedure Code regarding search, seizure, arrest, imprisonment, etc. The incorporation of the special provision is to ensure justice to the women to safeguard them against indecency and exploitation. Criminal Procedure Code specifically prescribe certain formation to be observed by a police office when he has to enter into a place to make the arrest of a person. One of the requirements of Criminal Procedure Code is that if the apartment, which he has to break open for making arrest, is in the actual occupancy of the female, "Not being the person to be arrested", who, according to custom does not appear in public such police officer must, before entering such apartment, give notice to such female that she is at liberty to withdraw and afford every reasonable facility for withdrawing. A similar formality has to be observed by a police officer while entering into a place liable to search. He is liable to be punished in case he

155 Ibid; Sections: 13-17; Also see, Mines Act, 1952, Beedi and Cigar Workers (Conditions of Employment) Act, 1966; Plantation Labour Act, 1951 and Contract Labour (Regulation and Abolition) Control Rules, 1971
156 Criminal Procedure Code (1973) see 47.
157 Ibid; Sec. 166.
knowingly violate the requirement laid down in section 47 of Criminal Procedure Code. These provisions aim at securing justice to the women and safeguard their modesty and dignity.

Similarly, the philosophy behind sections 125-127 of Criminal Procedure Code is to provide a summary remedy to save the women from destitude and vagrancy. The purpose of these sections is to ensure payment of reasonable sum by way of maintenance to the woman. The illusory and nominal amount fixed under personal law are all to be questioned and not adhered to.

Criminal Procedure Code, 1973 has carved out a special provisions to postpone the execution of death sentence awarded to a woman who is found to be pregnant at the time of execution.\textsuperscript{158} Similarly, in case of non-bailable offences though bail can be granted only by High court and Session Court but when the accused is a woman, bail may be granted not only by High Courts or Session courts but by any other court also.\textsuperscript{159}

Indian Penal Code, 1860 also contain special provisions to safeguard women against the mighty hands of man. A woman who feels annoyed by eve-teasing or by any obscene words can take recourse to section 294 and 354 of Indian Penal Code and put up a complaint before a

\textsuperscript{158} Ibid; Sec 416
\textsuperscript{159} Ibid; Sec 436.
police station and get the offender punished in such cases. 

Under 497 of Indian Penal code, the offence of adultery can be committed by a male and not female who cannot even be punished as an abetor. This section makes special protection for women and is thus saved under Art 15(3) of the constitution.

The outraging of modesty of woman is substantive offence punishable under section 354 of Indian Penal Code. Equally so, law relating to rape has undergone a sea change after the amendment of the section 375, 376 and insertion of new sections 376-A, 376-B; 376-C and 376-D in the Indian Penal Code by Criminal Law Amendment Act, 1983. In view of the social stigma attached to the raped girl, a new section 228-A has been inserted in the Indian Penal Code prohibiting publicity. Similarly, amendments have been made in Criminal Procedure Code to make provisions for conducting the proceeding of the courts in such cases in camera. A special regard has also been paid

160. Indian Penal Code (1860), Section 497; It lays down "whomever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, with both. In such case the wife shall not be punishable as an abettor.

161. For details see, Constitution of India, Article 15(3).
to woman in case of her imprisonment. All females prisoners have to be imprisoned in a separate building or in separate part of the same building where in made prisoners are being kept. A female can not be handcuffed. A female prisoner has to be secured by Matron before admission to the Jail. The female division of the Jail has to be under the charge of Matron or a female warden. No male officer on any pretext, is permitted to the female enclosure of the Jail without company of matron.

Besides, Parliament has also enacted many women welfare legislations with the firm commitment in mind that justice is strongly rendered to the women who have really been exploited from time immemorial. The basic objective of such women welfare legislations are three fold:

(i) to discourage evil of dowry; and

(ii) to make women free from bondage created by their psychological condition.

In order to protect the prime interest of women in India, The Suppression of Immoral Traffic in Women and Girls Act, 1956, Dowry Prohibition Act, 1961; Medical Termination of Pregnancy Act, 1971; The Commission

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162 For detail see, Prisons Act, 1894 and 1900.
163 Ibid.
164 The Act has now been renamed, as 'The Immoral (Prevention) Act, 1956.
of Sati (Prevention) Act, 1987 and Indecent Representation of women (Prohibition) Act, 1986 have been passed with a hope that these measures will accomplish the goal of distributive justice intended to by the architects of the constitution. The Suppression of Immoral Traffic in Women and Girls Act, 1956 is a welcome step to provide in pursuance of International Convention signed at New York on 9th day of May 1950, for the suppression of immoral traffic in Women and Girls. Any person who violates the provisions of this Act is punishable with a rigorous imprisonment and also with fine depending upon the facts of the case.\textsuperscript{165} Central Government has been empowered by the Act to appoint trafficking officers having territorial jurisdiction over the whole of India.\textsuperscript{166} These officers have been conferred vast powers with a view to enable them to act swiftly and effectively.\textsuperscript{167} The states Governments have been delegated the powers to make rules for carrying out the purpose of this Act. There is a vast power conferred on the states Government to establish protective homes to safeguard the interest of women who fall in trap of immorality.\textsuperscript{168}

\textsuperscript{165} The Immoral (Prevention) Act, 1956, Sections 4(1) and 6.
\textsuperscript{166} Ibid. Section 13(4)
\textsuperscript{167} Ibid.
It also empowers Central Government to establish special courts if it satisfy that it would be necessary for the purpose of providing speedy trial of offences under the Act and committed in more than one states. For this purpose, the Government, after consulting the concerning Highcourt, can establish one or more courts of Judicial Magistrate of first class or Metropolitan Magistrate for the trial of such offences. 169

Similarly, the Dowry Prohibition Act, 1961, is a welcome legislative measure undertaken by the Indian legislature to provide justice to women and check the social evil arising out of the Dowry system prevalent in almost every part of the Country. The prime object of the Act is to prohibit the evil practice of giving and taking dowry. The enactment entails the penal consequences incase practice of dowry is encouraged. 170 Vital changes have been brought by enacting the Dowry

169  Ibid, See 22-AA.
170. Indian Penal Code, Section 304-B
171. The amendment Act, 1984 and 1986 have widened the scope of Parents Act by making the offences under the Act as cognizable. The Magistrate have been empowered to take cognizance not only on the complaint by an aggrieved persons or parents or other relatives, but also by the recognised welfare institution or organization, Indian Penal Code has also been amended by introducing entirely a new offence hither - to unknown to criminal jurisprudence. Section 498-A has been incorporated with a view to give new dimension to the concept of cruelty. Similarly, section 304-B has been added to the Indian Penal code making dowry death as an offence punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment of life.
Prohibition (Amendment) Act, 1986 in the parent act. In order to ensure efficient operation of the act the State Governments have been allowed to amend the Dowry Prohibition Act, 1961 so as to make it more suitable to deal sternly with the evils of the system prevalent in their respective states. The State Governments of Bihar, West Bengal, Orissa, Haryana, Himachal Pradesh and Punjab have under Article 246(2) read with Article 254(2) of the constitution of India amended the central Act of 1961. Some of the States Governments have, by way of these amendments, prescribed limited marriage expenses and other ceremonies, prohibited display of presents and have provided stringent penalties for contravention of the provisions of the Act. Some of them also provided severe punishments for depriving the wife of the rights and privileges of marriage and also denial of conjugal rights by the husband on the ground of non payment or insufficient dowry. The Government of India have also issued

172. The constitution of India, Articles 246(2) and 254(2)
173. For detail see Report of the Joint Committee of the Houses constituted to examine the question of the working of the Dowry prohibition Act, 1961 Lok Sabha Secretariat New Delhi, pp 12-13
174. The Governments of Bihar and Haryana have made offences punishable with imprisonment upto six months and fines upto five thousand rupees. The governments of Himachal Pradesh and Punjab have made such offence punishable upto five thousand rupees fine with imprisonment upto one year.
175. Such provisions made by Governments of West Bengal, Himachal Pradesh, Punjab, Orissa and Haryana.
instruction to all the States Governments to make thorough and compulsory investigation by police officers not below the rank of Deputy Superintendent Police and to carry post-mortem in all cases of married women dying in unnatural circumstances during the first year of their marriage. The State Governments have further been directed that disposal of the bodies without post-mortem should not be permitted except with an objection certificate issued by the police authority. 176

The Parliament has put sincere efforts to provide justice to women by improving their dignity and status in the society. For this purpose the The Indecent Representation of women (Prohibition) Act, 1986 has been passed to prohibit the indecent representation of women through advertisements merits or publications, writings, paintings, figures, or in any other manner and for the matter connected there-with or incidental therewith 177. The Central Government has been empowered to make rules to carry out the provision of the Act. 178 Any person who contravenes the law contained in the Act is punishable on first conviction with imprisonment or either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and in the event

176. Supra note 173, p. 14
177. For more details see, the Indecent Representation of women (prohibition) Act, 1986, Sections 3, 4 and 5
178. Ibid, Section 10.
of second or subsequent conviction with imprisonment for a term of not less than six months but which may extend to five year and also with a fine not less than ten thousand rupees but which may extend to one lakh rupees.\textsuperscript{179} Similarly, in order to provide social justice to women and afford her opportunity to live of her own choice, the Medical Termination of Pregnancy Act, 1971 has been enacted by the Parliament allowing a registered Medical Practioner to terminate the pregnancy in accordance with the spirit of law contained in this Act.\textsuperscript{180} The government has been empowered to make rules for the purpose of carrying out the provisions of this Act. The fundamental philosophy contained in this Act is that woman should not suffer for unwanted pregnancy. This Act is really a milestone in the modernization of Indian society through the instrumentality of law. It has helped a lot in planning families, safeguarding health of woman and getting the child of sex of own choice. The Act has been brought to cherish the goal of Directive Principles aiming at taking certain measure with respect to the welfare of women and their socio-economic amelioration. The Act can be said to be a landmark in the history of social legislations because of the fact that it has sought to restore the autonomy of woman by

\textsuperscript{179} Ibid, Section 6.
\textsuperscript{180} The Medical Termination of Pregnancy Act, 1971; Sections 3 and 4.
deciding for herself, when to opt for motherhood. Sexually violence leading to pregnancy now no more hampers women's right to terminate the pregnancy.

In order to curve the evil practice of 'Sati' and boost of the morale of the woman, the commission of Sati (Prevention) Act, 1987 has been brought into existence to provide for the more effective prevention of the commission of sati. The true aim of this Act is to prove the Artharveda's philosophy untrue which enjoins upon the woman the duty to die on the death of her husband. The intention of parliament to bring this legislation is to challenge the religious sanctions behind the sati and afford protection to the widow who withdraws from burning herself. The attempt to commit sati and does any act towards such commission has been punishable with imprisonment for a term which may extend to one year or with fine or with both. 181 Any inducement to a widow or woman to get her burned or buried alive along with the body of her deceased husband or with any other relative or with any article, or object or thing associated with the husband or such relative, irrespective of whether she is in a fit state of mind or is labouring under a state of intoxication or stupefication or other cause impending the exercise of free will has now been defined as abatement of sati and is

liable to be punished with imprisonment for life and also for fine. 182

Similarly, the Act for the glorification of sati is also punishable with imprisonment for a term of one year and may also be extended to seven year and with fine which shall be not less than five thousand rupees which may extend to thirty thousand rupees. 183 In order to prohibit the acts of commission of sati, the collector or District Magistrate have been given powers to prohibit it in any manner, in accordance with law contained in this act. 184

There is a provision to constitute 'Special Courts' to deal with offences of relating to sati to be presided over by a judge to be appointed by the state government with the concurrence of chief Justice of the Highcourt. The special courts may take cognizance of any offence without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts. The special courts have been put under statutory obligation to hold trial as expeditiously as possible and, in particular, where the examination of witnesses has begun. 185

(V) Labour Welfare Legislations

The birth of labour welfare jurisprudence in
our country may be ascribed to the constitution of India which has made more articulate and clear the philosophy of distributive justice in relation to the workers working in the different industrial organizations. The state has been obligated under part IV of the constitution to direct its policy towards securing that the health and the strength of workers, man and woman, and the tenderage of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength, that the citizens, man and woman equally have the right to an adequate means to livelihood, that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment, and that there is equal pay for equal work for both man and women. The state is also under constitutional obligation to make provisions for securing just and humane conditions of work and for maternity relief. The intention of the constitution makers as reflected through Article 43 of the constitution is that the state shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or

186. See, Constitution of India, Articles 39, 42, 43 and 43-A.
187. Ibid, Article 39(e)
188. Ibid, Article 39(a)
189. Ibid, Article 39(c)
190. Ibid, Article 39(d)
191. Ibid, Article 42
otherwise work, living wage, conditions of work ensuring a
decent standard of life and full enjoyment of leisure and
social and cultural opportunities and, in particular, the
state shall endeavour to promote cottage industries on an
individual and co-operative basis in rural areas. There
is cast on the state a duty to take steps by suitable
legislation or in any other way to secure the participation
of workers in the management of undertaking, establishment
or other organizations engaged in any industry.

The constitutional philosophy of India has
really afforded the broad and clear guidelines to generate
the environment of distributive justice in favour of the
workmen engaged in different avocations in the industries.
Accordingly the Parliament have helped to a great extent in
shaping the density of the workmen by providing justice to
them through legislation in all walk of their life. The
entire philosophy of labour welfare legislations in India
derives it main strength from distributive justice which in
itself is dynamic or changing. The Parliament is busy,
therefore, in shaping the economic policy in such a fashion
as to give the poor workers their due status by offering
them reasonable working conditions and due share in
production. The concept of labour welfare jurisprudence is
thus one of the most progressive and dynamic instruments

192. Ibid, Article 43
193. Ibid, Article 43-A
for achieving the goal of distributive justice. The word 'Distributive Justice' in this sense implies two thing. First, equitable distribution of profits and other benefits of industry between industry owner and the workers. Secondly, the protection to the workers against harmful effects to their health, safety and morality. The concept of distributive justice has become an integral part of industrial legislation and is founded on the basic idea of socio-economic equality and its aim is to assist the removal of socio-economic disparities and inequalities. The study reveals that since independence Indian legislature has done a lot to better the condition of the workers and render justice to them. The Parliament has always remained sensitive to the solution of the labour problems including their welfare. An array of legislations have been hammered out to give justice to them and strengthen their position in the organization by imposing certain specific obligations on the management with the object to prevent exploitation and engulf the gap between the rich employers and poor workers. The legislations have been designed with a purpose to prevent all forms of coercion and exploitation.

against the poor workers.

A number of social security legislations have been enacted from time to time. The workmen Compensation Act, 1923 as amended from time to time, is the first social security legislation in India which makes the employer liable for any injury suffered by the employee by accident arising out of the and during the course of employment. The Act covers the economic loss suffered by the employee and the medical expenses incurred on various injuries and diseases as specified in schedule III. The basic purpose of this Act is to compensate the employee for the loss of earning and earning capacity due to an accident. The Act has been amended several times with a purpose to widen the ambit of the Act and alter the provisions relating to the distribution of the compensation. The rates of compensation have been revised and efforts are also being made to provide for payment of compensation in terms of percentage of monthly wages linked to the age of workers at the time of his disablement or death.

196. See, Workmen Compensation Act, 1923, Section 3
197. Ibid, Chapter III.
The Minimum Wages Act, 1948 has been amended from time to time which provides for fixation by Provincial Governments of minimum wages for employment. There is embodied in the Act a provision which provides for periodical revision of the wages fixed. Provision has been made for appointment of advisory Committee and advisory boards to consider the revision of the existing minimum wage in case an employer pays less than the minimum wage fixed. Provision has been provided for the recovery of the balance with penalty and for subsequent prosecution of offending party. Under section 3(1)(b) of the amended Act of Minimum Wages Act, 1948 minimum rates of wages fixed should be reviewed advised if necessary at interval not exceeding five years. The parliament has also taken praiseworthy steps to make certain other amendments in the Act deemed to be necessary in the light of the working of the Act. The most important objects of these amendments are:- (a) to secure, uniformity in the procedure followed for fixations and the revision of the Wages, (b) to enable a claim Authority to entertain claims not only in respect of payment of wages which are less than the minimum wages but also in respect of payment

200. Minimum Wages Act 1948, Sec 5.
201. Ibid, Section: 7-9
202. Ibid, Section 22
203. Ibid, Section 5
of remuneration for days of rest and payment of overtime wages.

(c) to provide for the application of the Payments of Wages Act, 1936, to claims relating to delay in payment of wages;
(d) to specify the person liable to be punished in the cases of offences by companies and to make a general provision for punishment of offences for which no penalty is provided in the Act.

(e) to ensure prompt disbursement of wages to labour employed by Government contractors by exempting from attachment of certain assets of such contractors in hands of Government.

In this way the protection afforded by the Minimum Wages Act, 1948 as amended from time to time is a legislative endeavour directed towards securing a 'living wage' for the workers as envisaged in Article 43 of the constitution. The amendments carried out under the Act from time to time reveal that the intention of the legislators in India have always been to help the workers by minimizing the exploitation to a great extent. Similarly, there are many other welfare legislations which provide for

204. Ibid, Section 20
205. Ibid, Section: 22(c) and 22 (A)
206. Ibid, 22 (e)
Medical care, Maternity care, Insurance against Sickness or Employment injury and similar others benefits.

Similarly, the Bonded Labour (Abolition) Act, 1976 has been passed to abolish the system of Bonded labour in the light of spirit contained in Article 23 of Indian Constitution which specifically stipulates that traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. The Act declares that every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour. The object of this Act is to prevent the economic and physical exploitation of the weaker sections of the people. In order to save them from exploitation, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed into before or after the commencement of this Act) by virtue of which any person or any member of family or dependent of such person is required to do any work or render any service as bonded labour shall be void and in operative. It has now been made obligatory that bonded labour system shall stand abolished and every bonded labour shall, from the date of the commencement of this Act, stand freed and discharged.

208. The Bonded Labour (Abolition) Act, 1976, Section 4
209. Ibid, Section 5.
from any obligation to render any bonded labour.\textsuperscript{210} The Act extinguishes the liability to repay bonded debt.\textsuperscript{211} No suit or other proceeding can lie in any civil court or before any authority for the recovery of any bonded debt or any part thereof.\textsuperscript{212} The state government has been authorize to confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of the Act are properly carried out. There is also cast a duty on the District Magistrate inquire whether any bonded labour systems or any form of forced labour is being enforced. The system of bonded labour has been discouraged by endorsing provisions to the effect that whoever compels any person to render any bonded labour or enforces any custom, tradition, contract or agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependent of such person is required to do any service under the bonded labour shall be punishable with imprisonment for a time which may extend to three year and also with fine which may extend to two thousand rupees.\textsuperscript{213} The Act has obligated the State Governments to constitute a vigilance Committee\textsuperscript{214} to promote the welfare of the freed Bonded labourers so that

\textsuperscript{210} Ibid, Section 4 (1) \\
\textsuperscript{211} Ibid, Section 6 \\
\textsuperscript{212} Ibid, Subclause (2) \\
\textsuperscript{213} Ibid, Section 16 \\
\textsuperscript{214} Ibid, Section 13
they may not have any occasion or reason to contract any bonded debt. 215.

The foregoing discussion about the Labour Welfare legislations reveals that Parliament and the state legislatures have quite actively advocated the cause of the workers and benevolent labour legislations have been enacted with an aim and objective to ameliorate the conditions of the labour and provide justice to the working class. The legislatures have mainly derived strength to enact such legislation from the constitutional mandate which solemnly resolve to constitute India into a 'Welfare State' where the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of national life and, in particular, strive to minimize the inequalities in income, opportunities, not only amongst individuals but also amongst groups of people residing in different area and engaged in different vocations. 216

(VI) Other Welfare Legislations

The philosophy of distributive justice will certainly remain an empty idea unless something is done to vindicate the rights of the poor. In so far as a person is

215. Ibid, Section 14
216. Constitution of India, Article 38.
unable to obtain access to courts of law for having his wrongs redressed, distributive justice has no meaning and to that extent fails in its purpose. The Indian Parliament realized this truth and came to the conclusion that unless some provisions are made for assisting the poor to get justice designed for them under different welfare legislations, he is denied equality in the opportunity to seek justice as philosophised in our National Charter. The truth is that the law is not only speak justice but also deliver justice. Legal Aid to the poor is an absolute imperative, it is in fact a delivery system of distributive justice.

Though beneficent welfare legislations have been enacted to help the poor and realize the dream of distributive justice in their favour, they are not aware of their rights and even where they are aware, they have not the courage, the will and the resources to assert their rights against the powerful section of society. Thus the major strategy to end the estrangement between the law and the lowly is legal aid in its comprehensive coverage. To quote the famous words of Abbot "If ever a time shall come when only the rich can enjoy law as a doubtful luxury, when the poor who need it most can not have it, when only a Golden key will unlock the door to the courtroom, the seeds of revolution will sown, the fire brand of revolution will be lighted into the hands of men and they will almost be
justified in the revolution which will follow. 217.

Realizing this fact, the landmark was reached with the welcome step of introduction of new Article 218 through the Constitution (Fourty - Second Amendment) Act, 1976. The incorporation of Article 39-A enjoins the state Governments to provide free legal aid to a person who is unable to secure legal services on account of indigence. Accordingly, the State Governments in India have framed rules and regulations 219 to give free legal

217. Quoted in, Hussainara Khatoon Vs State of Bihar. AIR 1979 S.C. 1375

218. Constitution of India, Articles 39-A. It lays down "The State shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity and shall, in particular, provide free legal aid, by suitable legislations or scheme or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities". For detail see, The Gujarat Legal Aid, Rules, 1972; Gujarat Legal Advice Rules, 1972; Legal Aid to the poor (Punjab) Rules, 1959; The Legal Aid to the Scheduled Castes (Punjab) Rules, 1960; also see letter no. 8309-PSCS (h) 75 dated 20th November, 1975; Himachal Pradesh Legal Aid to the Poor (H.P.) Rules, 1973; Himachal Pradesh Legal Aid to Scheduled Castes and Scheduled Tribes Rules, 1974; Jammu & Kashmir Scheduled Castes (Grant of Legal Aid) Revised Rules, 1971; Jammu & Kashmir Legal Aid to Persons Serving in Defence Forces Rules, 1973; Legal Aid (to the Poor) Rules, 1958; Maharashtra Legal Aid to Backward classes? Rules, 1963; In 1977 'Maharashtra State Legal Aid & Board was constituted, Orissa Legal Aid to the Poor Rules, 1975; Tamil Naidu Legal Aid (To Poor, Scheduled Castes & Scheduled Tribes) Rules, 1975; U.P Legal Aid to the Poor (Scheduled Castes & Scheduled Tribes, De-Notified Tribes & Scheduled debtors) Scheme, 1975; Legal Aid to the Poor (West Bengal) Rules 1974; Pondicherry Legal Aid to the Poor Scheduled Castes, 1971; The Madhya Pradesh Smaaj Ke Kamjor Vargon Ke Liye Vidhik Sahalta Tatha Vidhik Salah Adhiniyam, 1976, etc.
aid to the poor. Its primary object is to make it impossible for any man, woman or child to be denied equal protection of laws simply because he or she is poor. Its nature is not remedial but has preventive potential also. The impact for article 39-A is that no can now be said to be reasonable, fair and just which denies legal service and representation to an indigent even at the initial stage. Moreover, it is the constitutional obligation of state to devise such a procedure as would ensure free legal services to the poor. State can not be permitted to deny this relief on a mere plea that the state has no adequate financial resources to incur the necessary expenditure needed for improving the administrative and judicial apparatus with a view to ensure free legal service to those who need it most.220

The Parliament, has really manifested its deep interest in the Free Legal Aid Movement by bringing a new legislative measure into existence221 The Legal Services Authorities Act, 1987 has been enacted to constitute legal service authorities to provide free and competent legal services to the weaker section of the society to ensure that opportunity for securing justice are not denied to any citizen by season of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system to promote justice on the

220. Supra note 217, p. 1376.
The Act enjoins the Central Government to constitute a body called a National Legal Service Authority to perform all or any of the following functions:

(i) lay down policies and principles for making legal services available under the provision of this Act;
(ii) frame the most effective and economical schemes for the purpose of making legal services available under the provision of the Act;
(iii) take necessary steps by way of social justice litigation with regard to Consumer Protection, Environmental Protection or any other matter of special concern to the weaker section of the society;
(iv) organize legal aid camps, especially in rural areas, slums or labour colonies, with dual purpose of educating the weaker section of the society as to their rights as well as encouraging the settlement of their dispute through Lok-Adalats;
(v) encourage the settlement of dispute by way of negotiations arbitration and conciliation;
(vi) undertake and promote research in field of legal services with special reference to the need for such

222. Ibid. The Preamble.
223. Ibid. Section 3.
224. Ibid. Section 4.
services among the poor;
(vii) monitor and evaluate implementation of legal aid programme at periodical interval.
(viii) develop, in consultation with Bar council of India, programme for clinical legal education;
(ix) take appropriate measure for spreading legal literacy and legal awareness amongst people, and in particular, to educate weaker section of the society about the right, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programme and measures.

Similarly, a duty has been cast on every State Governments to constitute a Legal Services Authority to exercise the power's and perform the functions conferred on state under the Act. It is the statutory duty of every state legal Service Authority to give effect to the policies and directions of the Central Authority and provide legal service to person to satisfy the criteria laid down under this Act; conduct Lok-Adalats, under—take preventive and strategic legal aid programmes, and perform such other function as the state authority may, in consultation with the Central Government, fix by

225. Ibid, Section 6.
226. Ibid, Section 7.
The State Authority is also under statutory duty to constitute a legal services authority for every district of the state to exercise the power and perform the functions conferred on the District Authority under the Act, Every person is entitled to legal services under this Act if he or she is (i) a member of a scheduled castes and scheduled tribe; (ii) a victim of trafficking in human beings or begar; (iii) a woman or a child; (iv) a mental ill or otherwise a disabled person; (v) a person victim of a mass disastrous, ethnic violence, caste atrocities, flood, drought, earth quake or industrial disatersous; (vi) an industrial work man; or (vii) in custody including a custody in protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 or in a Juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 or in a psychiatric hospital of psychiatric nourishing homes with in the meaning of clause (g) of section 2 of Mental Health Act, 1987; or (viii) in receipt of annual income less than Nine thousand rupees if the case is before a court other than the supreme court, and less than Twelve thousand rupees or such other amount as may be prescribed by the

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227. Ibid
228. Ibid, Sections 9 and 10
229. Ibid, Section 12.
Central Government if the case is before the Supreme Court.

There is a provision to constitute National Legal Aid Fund, State Legal Aid Fund and District Legal Aid Fund with a view to apply the allotted finance for meeting the cost to carry out the function stipulated in the Act itself. 230

The Legal Services Authorities Act, 1987 also deals with the philosophy of Lok-Adalats which in itself is an innovative idea in the administration of justice. We are really much obliged today to the activist approach of our parliament which has encouraged and revitalised the philosophy of Lok Adalat in the light of constitutional commitment towards 'Welfare State'. The Parliament through its activist approach has revived the strategy of reconciliation so that people can get speedy and cheap justice as per constitutional commitment contained in different provisions of our National Charter. 231

The basic objective to introduce the concept of lokadalats is to speedup clearance of pendency of huge arrear in courts, and to reduce the cost of

230. Ibid
231. Constitution of India, The preamble Articles: 14,21, 38 and 39 -A.
The basic objective to introduce the concept of lokadalats is to speed up clearance of pendency of huge arrear in courts, and to reduce the cost of litigation. To quote justice Bhagwati, C.J., "Our law must provide Justice; law and justice cannot remain distinct neighbours". In order to render justice to the poor, the Act makes it obligatory on the part of National Legal Services Authority to encourage the settlement and, disputes through Lok-Adalats. The similar duties have been cast on the state Authority under section 7 of the Act which specifically puts the state authority under a statutory obligation to organize lokadalats to secure that the operation of the legal system promote justice on the basis of equal opportunity. The Act further provides that it shall be the duty of every District Authority to organize Lok-adalats within the district at such interval as it may deem fit. The Lok-Adalats have been given jurisdiction to determine and arrive at compromise or settlement between the parties to a dispute in respect of any matter falling within the jurisdiction, civil, criminal or revenue court or any tribunal constituted under any law for the time being in force in

233. The Legal Services Authorities Act, 1987, Section 4 Clause (e) and (f)
234. Ibid, The Preamble. Also See, Sec 7, Clause (2) (b)
the area for which the Lok adalat is organised. The District Authority has also been empowered to refer dispute to lokadalats in case parties to the suit agree to refer their case to the lok adalat for determination. Every lok-adalat, while determining any proceeding before it under this Act, is supposed to be guided by legal principles and the principles of justice, equity and fair play. Every award of the Lok-adalat is deemed to be a decree of civil court or order of any other court or tribunal and enjoys the same powers are vested in a civil court under the code of civil procedure, 1908, while dealing with the matter pending before it. Every lokadalat has also the requisite power to specify its own proceeding for the determination of any disputes coming before it. All proceeding before the lokadalats are deemed to be judicial proceeding within the meaning of section 193, 219 and 228 of Indian Panel code and every lokadalats is deemed to be civil courts for the purpose of section 195 and chapter (xxvi) of the code of Criminal Procedure of 1973. No suit prosecution or other legal proceedings can lie against Central Government or the State Governments or against the Chairman or any other member of Central, State or District Authority or any other

235. Ibid, Section 19, Clause (3)
236. Ibid, Section 20.
237. Ibid, Section 20, Clause (4)
238. Ibid, Section 22 Clause (2) and (3)
person authorised by such chairman or other member, for anything which is in good faith done under the provisions of this Act or any rule, regulation or order made thereof. The Central Authority and every State Authority may, by notification make rules to provide for all matters in respect of which regulations are required to be made by the central or State Authorities under this Act.

To sumup, the efforts of Parliament to enact the Legal Services Authorities Act, 1987 is a step forward to realize the dream of providing distributive justice to all irrespective of their means of livelihood. The Act is a strong step for changing an imperialist land system of judicial process sensitized to popular reality. Thus, it has all the merits to provide justice to the poor in accordance with the spirit contained in our constitution without further loss of time.

(III) Role of the Executive:

In its broadest sense the executive department consists of all governmental officials except those acting in legislative or judicial capacity. It includes all the agencies of the government those are concerned with the execution of the state's will as expressed in terms of laws. Executive translates

239. Ibid, Section 24.
policies and other all programmes of the legislature into practice. Similarly, the Executive has been busy to carry out policies and programmes with regard to the philosophy of distributive justice in India.

The Government of India made a beginning soon after attaining independence to establish a social and economic order which was just and equitable. The Resolution of Government of India of 15th March, 1950, which set up the planning commission, defined its scope of work in the following words:

"The Constitution of India has guaranteed certain Fundamental Rights to the citizens of India and enunciated certain Directive Principles of State Policy, in particular, that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political, shall inform all the institutions of national life, and shall direct its policy towards securing, among other things;

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does result

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in the concentration of wealth and means of production to
the common detriment."  

(1) First Five Year Plan (1951-56)

In order to realize the goal of
distributive justice, the First Five Year Plan was launched
in 1951 to work out the priorities to provide justice to
the deprived sections of the society and accomplish the
goal without further loss of time. To that extent, the plan
was an attempt to synthesize and coordinate the development
programmes that had already been initiated. The Plan had an
outlay of Rs 2,013 crores.  

During the First Five Year Plan annual
expenditure of the Central and State governments on
education increased from Rs 65 crores in 1950-51 to Rs 116
in 1955-56. During the same period development expenditure
on education, as distinct from expenditure on the
maintenance of institutions, increased from Rs 20.

During the Plan period the total
expenditure on health rose from Rs 11.7 crores in the First
Year of the Plan to about Rs 36.6 crores in the last

243. The minds of the Planners were persuaded by the
philosophy of the constitution contained in Article 39. For
detail see, Constitution of India, Part IV, Articles 38
and 39.
244. Review of the First Five Year Plan, Govt Of India,
1957, p.3
245. Ibid. p. 249
year. The total outlay during the plan was about Rs 101 crores. In July 1951, the Nutrition Advisory Committee of the Indian Council of Medical Research decided upon a research programme in line with the needs of the First Five Year Plan. Priority was accorded to investigations into the nutritional requirements of the people, the nutritive value of Indian foodstuffs and nutritional disease and disorder. However, no separate amount was provided for nutrition programme.

A number of programmes for housing were initiated during the Plan period. A total provision of Rs 48.7 crores was made in the First Five Year Plan, of which Rs 38.5 crores were allotted at the centre and Rs 10.2 crores in the states.

The First Five Year Plan made a beginning in translating into concrete policies and programmes one of the important objectives of national planning, namely the provision of opportunities of growth for a section of the population who were specially backward and removal of handicaps from which they had long suffered. These were

(i) Scheduled Tribes, numbering about 19 million

246. Id; p. 272
247. Id.
248. Id.
249. Ibid p. 283.
250. Ibid p. 289
(ii) Scheduled Castes, numbering about 51 million
(iii) Communities formally described as Criminal tribes who numbered a little over 4 million, and
(iv) other groups which may be declared as being socially and educationally backward.

The plan provided about Rs 28.9 Crores for the welfare of backward classes, the total provision being raised in the course of the plan period to Rs 31.9 crores. 251 This included Rs 5.1 crores under the Assam Plan and provision of Rs 7 crores at the centre with the ministry of Home Affairs, leaving the balance of Rs 19.8 crores in the plans of various states. 252 The provision of Rs 7 crores at the centre included Rs 4 crores for the welfare of scheduled castes, former criminal tribes and other backward classes. 253 The balance of Rs 3 crores was made available along with other central grants for welfare programmes for scheduled tribes. Total expenditure for plan was 39.5 crores. 254 A new development during the First Five Year Plan was the organisation of youth camps and of labour and social service by students in universities and education institutions for which the plan had made a provision of Rs 1 crore. 255 A sum of Rs 287 crores was spent on the education, relief and rehabilitation of

251. Ibid; p. 290.
252. Id.
253. Id.
254. Id.
255. Ibid; P. 294.
displaced persons. Of this sum, about Rs. 168 crores were spent on rehabilitation.256

The general framework of a national land policy was set out for the first time in the First Five Year Plan. The approach of plan was based on the recognition that the future of land ownership and cultivation was a fundamental issue in National development and that, to a large extent, the pattern of economic and social organisation would depend upon the manner in which the land problem was resolved. To meet out all the requirements about a sum of Rs 615 crores was proposed257. This is included Rs 379 crores for compensation, Rs 86 crores for rehabilitation grants and Rs 150 crores for interest payments.258 Of the total amount, Bihar account for about Rs 240 crores, Uttar Pradesh for about Rs 178 crores, West Bengal for Rs 59 crores and Rajasthan for Rs 36 crores259. As a contribution towards the rehabilitation of landless agricultural workers, the plan provided Rs 2 crores for land resettlement schemes.260

The First Five Year Plan ended in March 1956. The Plan sought to translate the philosophies of

256. Ibid; p. 298.
257. Ibid; p. 315.
258. Ibid.
259. Id.
distributive justice into action by rousing the hopes and aspirations of the millions in the country and afforded to each and every person the opportunity of service in the common cause of eliminating poverty and raising standards of living. It laid the foundations for achieving the social-list pattern of society — a social and economic order based upon the values of freedom and democracy, without caste, class and privilege, in which there was witnessed a substantial rise in employment and consequently the largest measures of distributive justice were made excavated. The results achieved by this plan were quite praise-worthy and the overall picture was that of ‘stability and study progress.’

(ii) Second Five Year Plan (1956-61)

The ‘Plan Frame’ of Second Five Year Plan was adopted in 1956 with the firm commitment to give concrete expression to policy decisions relating to the socialistic pattern of society. The principal objectives to be achieved during Second Five Year Plan were (a) reduction of inequalities in income and wealth and a more even distribution of economic powers; (b) a large expansion of employment opportunities; (c) a sizeable increase in a national income so as to raise the level of living in the country;

261. Second Five Year Plan, Govt Of India, Planning Commission, (1956) p. XII (introduction)
262. Ibid, p. 24
(d) rapid industrialization.

The main emphasis in Second Five Year Plan was to weed out inequalities and narrow down the existing inequalities. Attempt was made to make development on these lines with special case to be taken that in reducing inequalities no damage occurs to the productive system. The pattern of investment proposed in the plan, the direction to economic activity given by state action, the impact of fiscal devices used for mobilizing the resources needed for the plan, the expansion of social services and institutional changes in sphere of land ownership and management and the growth of co-operatives sector under the state sponsorship were given a special attention with a zeal that these measures should be harmonized and brought to a focus in manner that would ensure enlargement of incomes and opportunities at the lower end and a reduction of wealth and privileged at the upper hand. The planners were of the view that a reduction in inequalities had to forced from both ends. On the one hand, measures had to be taken to reduce excessive concentration of wealth and incomes at higher levels, and on the other incomes in general, and particularly at the lowest level, have to be raised. It was stressed that the benefits of economic development should accrue more to the relatively less
privileged section of the society and there should be progressive reduction in concentration of wealth and economic power.  

In order to achieve the philosophy of Distributive justice, the total developmental outlay of the Central and the State Governments over the period of the plan was worked out to the tune of Rs 4800 crores. The distribution of Rs 4800 crores may depicted as under.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Item</th>
<th>Total provision (crores)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Agricultural and Community Development</td>
<td>568</td>
</tr>
<tr>
<td>2.</td>
<td>Irrigation and Power</td>
<td>913</td>
</tr>
<tr>
<td>3.</td>
<td>Industry and Mining</td>
<td>890</td>
</tr>
<tr>
<td>4.</td>
<td>Transport and Communication</td>
<td>1385</td>
</tr>
<tr>
<td>5.</td>
<td>Social Services</td>
<td>945</td>
</tr>
<tr>
<td>6.</td>
<td>Miscellaneous</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4800</td>
</tr>
</tbody>
</table>

Policies and programmes which were to be followed in different sectors of the economy during the Second Five Year Plan represented a balanced and combined approach to the central problems of economic development and social justice. Among these, measures of

266. Ibid.
267. Ibid, p. 5.
land reforms had a place of special significance, both because they provided the social, economic and institutional framework for agricultural development and because of the influence they exerted on the life of the vast majority of the population. A sum of 450 crores was estimated during the plan period for compensation and rehabilitation assistance payable to intermediaries. Uttar Pradesh and Bihar together accounted for about 70 percent of the total amount of compensation. As a rule, the rate of compensation had been fixed as a multiple of the net income of the intermediaries from their estates. In most states, higher multiples were allowed to persons in the lower income groups.

The Second Five Year Plan provided for larger emphasis on basic education, expansion of elementary education, diversification of secondary education, improvement of standards of college and university education, extension of facilities for technical and vocational education and the implementation of social education and cultural development programmes. Great emphasis was laid on education and a sum of Rs 307 crores was provided for education with an allocation of Rs 45 crores to be made available by the Centre Government and Rs 212 crores by the States. In addition, to the provisions

268. Ibid, p. 182.
269. Ibid,
270. Ibid, p. 500.
mentioned above the allotment made in the Second Five Year Plan for national extension and community projects included about Rs 12 crores for general education and about Rs 10 crores for social education. 271

The general aim of health programmes during the Second Five Year Plan was to expand existing health services, to bring them increasingly within the reach of all the people and to promote a progressive improvement in the level of national health. A sum of Rs 279 crores 272 was assigned for health sector out of which Rs. 43 crore were provided for augmenting and improving hospital services, including staff, accommodation, equipments and supplies and Rs 23 crores for health units. 273 The second Plan also proposed to establish clinics, one for 50,000 population in all big cities. 274

The Second Five Year Plan emphasized the need to view the employment situation not only in the aggregate but also in its distinct urban and rural components. Hence a new 120 employment exchanges were purposed be opened with the target to generate employment of 79.3 lakhs.

A sum of Rs 5 crores was made available to start special schemes with regard to the adjustment of the

272. Ibid; p. 52.
273. Ibid.
274. Ibid; p. 534
educated youths in the government services The second plan made new housing schemes namely; rural housing, slum clearance and sweepers housing and middle income group housing schemes. Against a total provisions in the first plan of Rs 38.5 crores, the second plan allotted a sum of Rs 120 crores which was distributed as follows:

(Rs. crores)

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsidized industrial housing</td>
<td>45</td>
</tr>
<tr>
<td>Low Income group housing</td>
<td>40</td>
</tr>
<tr>
<td>Rural housing</td>
<td>10</td>
</tr>
<tr>
<td>Slum Clearance and sweepers housing</td>
<td>20</td>
</tr>
<tr>
<td>Middle income group housing</td>
<td>3</td>
</tr>
<tr>
<td>Plantation housing</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>120</strong></td>
</tr>
</tbody>
</table>

Housing schemes for workers in the coal industry were financed from the Coal Mines Labour Welfare Fund which was expected to provide over the five-year period about Rs 8 crores. In addition of these schemes, substantial housing programmes were taken by the Ministries of Rehabilitation, Defence, Railways, Iron and Steel, production, communication, works, housing and supply etc.

275. Ibid; p. 115
276. Ibid; p. 52.
277. Ibid; p. 555
278. Ibid.
It was estimated that during the first plan the Ministry of Rehabilitation would provide 323,000 houses or tenements in urban areas and state governments, and central Ministries other than the Ministry of Works, Housing and supply about 300,000 units. Thus, the total programme for the second plan envisaged the construction of about 1.9 million units as compared to about 1.3 million during the first plan.

By the end of the second plan, loans amounting to about Rs 21.5 crores had been sanctioned for about 40,000 houses and for various land development schemes. Similarly, a sum of Rs 2 crores was to be provided for the purpose and a construction of houses for the Plantation labours and Rs 50 crores were made available to industrial workers and persons in middle and low income groups. The second plan allocated a total amount of about Rs 91 crores for the welfare of backward classes of which Rs 47 crores were for scheduled tribes and scheduled areas, Rs 27.5 crores for scheduled castes, about Rs 4 crores for former criminal tribes, Rs 9.7 crores for other backward classes and Rs 2.9 crores for administration etc. These amounts are intended for programme which were specially designed to assist backward classes and meet out their special needs.

279. Ibid; p. 556.
280. Ibid.
282. Ibid; p. 562.
283. Ibid; p. 588.
In the administration development programmes, care was taken to ensure that schemes are so formulated that the weaker sections of the population are aided in the largest possible measure. Besides these, Ministry of Education earmarked Rs 11.38 crores for postmatric scholarships for scheduled tribes, scheduled castes and other backward classes. It was also proposed to open 3,187 schools and 398 hostels and to provide scholarships and other concessions to about 3,00,000 tribal students. The plea, also contemplated the establishment of 200 community and cultural centres.

A sum of Rs 21.28 crores were earmarked for the welfare of scheduled castes. Besides a sum of Rs 6.25, crores was allotted for centrally sponsored schemes which included (i) housing, (ii) drinking water supply, (iii) economic uplift and (iv) aid to voluntary organisation and publicity for removal of untouchability. The special programmes proposed for Harijans were intended to supplement the general development programmes in each states. Steps were also undertaken to make arrangement for sinking 15,200 wells and under a centrally sponsored scheme.

285. Ibid.
286. Id.
287. Id.
288. Ibid.
289. Ibid; 598.
290. Ibid.
8,200 more wells were proposed to be provided. 93,300 houses and house sites were proposed to be provided at a cost of about Rs 3.48 crores to the Harijans. In addition to this Rs 1.77 crores were provided for the construction of 36,000 houses under a centrally sponsored scheme.

The aim of Second Five Year Plan was not only to help the weaker section of society but to envelop the entire community with an aim and objective to assist them to meet out their special needs. Therefore a sum of Rs 5.14 crores was provided for the purpose of central Social Welfare Boards Schemes and Rs 6 crores were allotted to the after-care and social and moral hygiene programmes to be started at the initiative of the Centre and the states. It is revealed that central Social Welfare Board could successfully assist 2128 institutions — of which 660 were women welfare institutions, 591 child Welfare institutions 151 institutions serving handicapped persons and delinquents and 726 institutions engaged in general work. To meet the requirements of welfar extension projects, the central Social Welfare Board organised extensive training programmes for women village level workers and for midwives with a hope to provide them justice for which they were longing for since long time.

291. Id.
292. Ibid.
293. Ibid.; p. 603
294. Ibid, p. 602
To sum up, Second Five Year Plan sought to rebuild India and to secure to the greatest extent feasible opportunities for weaker and under-privileged sections of the society in accordance with the spirit of distributive justice contained in our National Charter.

(III) The Third Five Year Plan (1961-66)

The Third Five Year Plan was started in 1961 with an outlay of Rs 8000 crores. The basic objective of third plan was to establish, among other things, greater equality of opportunity and weed out disparities in income and wealth with a hope and aspiration that the dream of distributive justice enshrined in the constitution of India is accomplished. Thus the objective and priorities of third plan were examined carefully by five parliamentary committee in Nov, 1960. The basic objective of Third Plan was that development programme must necessarily provide the masses of Indian peoples the opportunity to live good life. It was felt that economic and social policy must be shaped in the light of philosophy contained in Article 38 which interalia provide that, "the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institution of national

295. See, Third Five Year Plan, Govt of India (1961), p. 90
296. Ibid, p. XIII (Introduction)
Accordingly, the basic premise in Third Year Plan was that development should take place along 'Socialist' lines which will ultimately secure rapid economic growth and expansion of employment, reduction of disparities in income and wealth, prevention of concentration of economic powers, and creation of values and attitudes of a free and equal society. Emphasis was laid on the fact that economic activities under the plan must be so organised that the test of production and growth and those of equitable distribution are equally met. The well thought idea in the minds of the planners of this plan was that where the bulk of population lived close to the margin of poverty, the claims of social justice, of the right to work, of equal opportunity and of minimum level of living had great urgency. Therefore the objectives of Third Five Plan were:—

(i) to combat the curse of poverty;
(ii) to pave way towards socialism;
(iii) to afford equal opportunities for all;
(iv) equal distribution of economic powers and
(v) removal of disparities in income.

The entire idea around which Third Five Year Plan revolved was to establish progressively greater equality of opportunity and to bring about reduction in

297. Ibid; p. 9.
disparities in income and wealth and a more even distribution of economic power. In the light of this philosophy, the first priority was accorded to agriculture, irrigation and community development and accordingly a total outlay of Rs 1718 crores was allocated for this purpose as compared to estimated expenditure of Rs 950 crores in Second Plan.\(^\text{299}\) The provisions were also made with regard to the development of village and small industries to provide employment to the unemployed. A sum of Rs 264 crores was made available for this purpose as against Rs 175 crores spent in Second Plan period.\(^\text{300}\)

Special attention was paid with regard to land reforms with a view to eliminate all elements of exploitation and provide security for the tiller of the soil. In pursuance of this object, steps were taken to reduce the disparities in the ownership of land. The principal measures for securing these objectives were the abolition of Intermediaries or 'Rent-receiving' tenures and reforms of the tenancy, including regulation and reductation of rent and security of tenure. To meet out all the object the planning commission constituted a panel on Land Reforms to assist the study of proposal for Third Plan. A comprehensive programme was devised under this plan to abolish intermediary tenure, Zamirdaris, Jagirs and

\(^{299}\) Ibid, p. 61.
\(^{300}\) Ibid, p. 67.
and Inams which covered more than 40% area of the country. The result of this programme was that 20 million of tenants came in direct relation with the state and improved their social and economic condition. For this purpose, an outlay of Rs 670 crores (Rs 520 crores as compensation and Rs 150 crores for interest charges) was allocated and the Central Government directed all the states to issue compensatory bonds and complete record of rights to record the poor tenant as the proprietor of the land. A number of surveys of land reforms were undertaken in different parts of the country through the Research Programme committee of the planning Commission. The total area proposed to be taken up for consolidation in Third Plan was 30 Million acres against the target of 23 million acres kept in Second Five Year Plan.

The Third Plan expected to provide employment opportunities for about 40 million people. In addition, the plan proposed to organise special works project in the rural areas on a mass scale with the expectation that in its preliminary formulation this programme will provide work for an average of 100 days in the first year of the plan for about one lakh persons with the ultimate rise to 25 lakhs persons in the last year of

301. Ibid, p. 221.
302. Ibid, p. 233
303. Ibid
304 Ibid, p. 74.
the plan. Outlay kept for this purpose was to the tune of Rs 150\textsuperscript{305} Crores.

The Third Five Year Plan accorded Priority to the welfare of working class so as to allow them to share the fruits of progress in an equitable manner in pursuance of the spirit contained in our national charter. The Government assumed responsibility for securing a minimum wage for the workers in industry and agriculture. For better implementation of Minimum Wage Act, 1948 effort were made to devise measures for fixation and revision of wage rates by the process of collective bargaining, conciliation, arbitration and adjudication. The plan recommended for setting up of Wage Boards as the most suitable method of settling wage disputes where large areas of industry were concerned.\textsuperscript{306} The plan proposed to cover all the workers under Employees State Insurance Schemes, bringing the total coverage to about 30\textsuperscript{307} lakhs workers. In order to provide medical care and treatment including hospitalization and mid-wifery services, the planner proposed to speed up the constructions of additional 6000 hospital beds during plan period.\textsuperscript{308} A study group on social security thus recommended the integration of existing social security scheme and conversion of various

\begin{itemize}
\item[305.] Ibid, p. 75
\item[306.] Ibid, p. 226
\item[307.] Ibid, p. 257.
\item[308.] Ibid.
\end{itemize}
Provident Fund Schemes into a statutory scheme for old age, invalidity and survivorship pension-cum-gratuity. Similarly, the problem of safety received a greater attention and a standing Advisory Committee was proposed to be set up to promote measures bringing down the incidence of accidents in factories. A National Mine Safety council was also set up regarding safety education and the propagandas in the mining industry with a purpose to have great vigilance and stricter enforcement of rules and regulation.

In order to bring improvement in the health of the people, an increased emphasis was laid on preventive public health services to improve the environmental sanitation, specially rural and urban water supply, control of communicable diseases and provisions of services such as maternal and child welfare, health education and nutrition. The Third Plan accorded a very high priority to health and family planning programmes and against the outlay of Rs 140 crores and Rs 225 crores in the First and Second plan respectively a total outlay of Rs 342 crores was kept in Third Plan for this programme. The distribution of the outlay may be shown as follows.309

309. Ibid; p. 651.
Distribution of Outlay

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Item</th>
<th>First Plan</th>
<th>Second Plan</th>
<th>Third Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Water Supply and Sanitation</td>
<td>49.00</td>
<td>76.0</td>
<td>105.3</td>
</tr>
<tr>
<td>2.</td>
<td>Primary Health units, hospital and dispensaries</td>
<td>25.0</td>
<td>36.0</td>
<td>61.7</td>
</tr>
<tr>
<td>3.</td>
<td>Control of Communicable diseases</td>
<td>23.1</td>
<td>64.0</td>
<td>70.5</td>
</tr>
<tr>
<td>4.</td>
<td>Education, Training and research</td>
<td>21.6</td>
<td>36.0</td>
<td>56.3</td>
</tr>
<tr>
<td>5.</td>
<td>Indigenous system of Medicine, Homeopathy and Nature care</td>
<td>0.4</td>
<td>4.0</td>
<td>9.8</td>
</tr>
<tr>
<td>6.</td>
<td>Other Schemes</td>
<td>20.2</td>
<td>6.0</td>
<td>11.2</td>
</tr>
<tr>
<td>7.</td>
<td>Family Planning</td>
<td>0.7</td>
<td>3.0</td>
<td>27.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>140.0</td>
<td>225.0</td>
<td>341.8</td>
</tr>
</tbody>
</table>

The Third Five Year Plan made efforts to provide houses to industrial workers, dock workers, low income group, plantation labours, middle income group people and slum clearance etc. Besides, the housing scheme mentioned above, a few other specific schemes were designed to benefit sections of the community like, scheduled castes, scheduled tribes and backward classes in rural areas, handloom weavers, displeased persons etc. Although effort on an increasing scale had been made in housing
during the first and second plans yet Third Five year Plan provided Rs 142\textsuperscript{310} crores against the revised outlay of Rs 84 crores in Second, plan with the following main target to be achieved during Third Plan.\textsuperscript{311}

**Targets in Third Plan**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Item</th>
<th>No. Houses Proposed to be Constructed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Subsidised Industrial housing</td>
<td>73,000</td>
</tr>
<tr>
<td>2.</td>
<td>Low Income group Housing</td>
<td>75,000</td>
</tr>
<tr>
<td>3.</td>
<td>Slum Clearance</td>
<td>100,000</td>
</tr>
<tr>
<td>4.</td>
<td>Village Housing</td>
<td>125,000</td>
</tr>
</tbody>
</table>

The third Five Year Plan paid special attention to the development of Back ward classes in the light of philosophy contained in article 46 of the constitution which obligates the state to promote with special care the educational and economic interest of the weaker section of the people and in particular, of scheduled castes and scheduled tribes, and shall protect them from social in-justice and all form of exploitation. It was thought desirable that measures for advancing the economic and social interest of the scheduled castes;

\textsuperscript{310} Ibid; p. 681.
\textsuperscript{311} Ibid.
scheduled tribes and other weaker section of the community should be intensified so that they reach a level of well-being comparable with that of other section of population. To enable them to do so a total outlay of Rs 114 crores was incurred against the earlier outlay of Rs 30 crores and Rs 79 crores during First and Second Plan respectively. The distribution of these outlays among different sections may be shown as under:

<table>
<thead>
<tr>
<th>S.No</th>
<th>Name of Community</th>
<th>First Plan</th>
<th>Second Plan</th>
<th>Third Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Scheduled Tribes</td>
<td>19.83</td>
<td>43.0</td>
<td>60.43</td>
</tr>
<tr>
<td>2.</td>
<td>Scheduled Castes</td>
<td>7.08</td>
<td>27.66</td>
<td>40.40</td>
</tr>
<tr>
<td>3.</td>
<td>Denotified Tribes</td>
<td>1.10</td>
<td>2.89</td>
<td>4.00</td>
</tr>
<tr>
<td>4.</td>
<td>Other Backward Classes</td>
<td>2.03</td>
<td>5.56</td>
<td>9.04</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>30.04</strong></td>
<td><strong>79.41</strong></td>
<td><strong>113.87</strong></td>
</tr>
</tbody>
</table>

Out of the total outlay of Rs 114 Crores, Rs 42 crores were intended for the schemes of educational development, Rs 47 Crores for economic uplift and Rs 24 crores for health, housing and other schemes. The attention of the Government was drawn to the fact the programmes of basic importance which were calculated to

312. Ibid, p. 701.
313. Ibid.
mitigate poverty, impart new skills, promote health and better living, improving communications without upsetting the stability of social and cultural values, the pattern of leadership and institutions and the scheme of obligation within tribal community, should be emphasised.

In order to evaluate the progress made with regard to the welfare of the scheduled tribes, commission known as the Scheduled Areas and Scheduled Tribes Commission, 1960 was set up. The plan purposed that economic uplift programme should give priority to the economic rehabilitation of persons engaged in shifting cultivation, working for forest through co-operatives composed of members of scheduled tribes and formation of multipurpose co-operative for meeting the credit requirements of tribal agriculturist and artisan and for marketing their product. It was also emphasized that in the programme for education, apart from primary school to be provided for under the general scheme there should be assistance at middle and secondary stages for free ships and stipends and hostels.

As distinguished from scheduled tribes, The Third Plan provided Rs 40 crores for special programmes relating to scheduled castes as compared with an outlay of Rs 28 crores in the Second Plan and Rs 7 crores in the First plan. About Rs 30 crores have been provided for

scheduled castes in the plan of states. About one half of this amount was for education scheme and balance was divided almost equally between (a) schemes for economic uplift (b) health, housing and other schemes. These provisions were intended to supplement benefits which should be available in an increasing measure to scheduled castes for the general development programmes provided for in the plan, especially since the plan placed special emphasis on ensuring that the weaker sections of the community obtain their due share of the benefit in each programme. The merit of the first two Five Year Plans lies in the fact that as compared to six lakhs scholarships awarded to the scheduled caste student in 1956-57, the number in receipt of scholarships at the end of second plan increased to nine lakhs. 316 At the post-matriculation stage, the number of scholarship holder from among the scheduled caste rose from less than 1100 at the beginning of first plan to 40,000 at the close of Second Plan. 317

For promoting economic uplift Third Five Year Plan laid stress on allotment of land and assistance for settling as cultivator, training in village as small industry. While the bulk of special allocations were made in the Plan of the states, the Ministry of home Affairs provided for the centrally sponsored schemes. These were 318

317. Ibid;
(a) improvement of the working condition of the person engaged in unclean occupation;
(b) subsidies for housing, sweepers and scavengers,
(c) provisions for house site for members engaged in unclean occupations.
(d) award post metric scholarship;
(e) grants to about 6000 volunteer organizations
(f) assistance to Mahila Mandals to provide service at about 1700 centres in the welfare extension projects
(g) socio-economic programme for women;
(h) urban welfare projects;
(i) night shelters and
(j) holding homes for children

The planers were also of the view that education must be given significant place as it played a great role in achieving rapid economic development and technological progress and in creating a social order founded on the values of freedom, social justice and equal opportunity. In the field of general education, as distinguished from technical education, the main emphasis in the Third plan was, therefore, on the provision of facilities for the education of all children in the age group 6-11, extension an improvement of the teaching of science at the secondary and university stages, development of vocational and technical education at all levels, expansion and improvement of facilities for the training of teachers for each stage of education, and increase in
scholarships, freeships and other assistance. Over the decade 1951-61, the number of students increased from 23.5 million to 43.5 million. The increase in the number of pupils in the age group 6-11 was 79 percent,\(^{319}\) in the age group 11-14, 102 percent and in the age-group 14-17, 139 percent.\(^{320}\) In the course of the Third Plan, the total number of pupils at schools was expected to increase by 20.4 million 15.3 million in the age group 6-11, 3.5 million in the age-group 11-14 and 1.6 million in the age-group 14-17. During the first two plans, the numbers of schools increased by 73 percent from 230,555\(^{321}\) to 398,200, increase in the number of primary schools being 63 percent, in middle schools 191 percent, and in high schools 128 percent.\(^{322}\)

The total outlay on education of the third plan involved a total expenditure of Rs 418 Crores\(^{323}\) including a provision of Rs 10 crores for cultural programmes. In addition to provisions under the ahead 'Education,' resources to the extent of Rs 37 were expected to be available under the community development programme and of about Rs 42 crores under the programme for the welfare of backward classes, thus bringing the total provision for general education in the Third plan to Rs 497

\(^{319}\) Ibid; p. 573.
\(^{320}\) Ibid; p. 574.
\(^{321}\) Ibid; p. 574.
\(^{322}\) Ibid.
\(^{323}\) Ibid, p. 576.
crores\textsuperscript{324} as against Rs 250 crores during the second plan. Emphasis was also laid on girls education and it was pleaded that the proportion of girls at school should increase to 46 percent, compared to 73 percent for boys. Out of about 20.4 million additional children to be enrolled in schools during the Third Plan in the various age-groups, about 3 million were expected to be girls\textsuperscript{325}

It was estimated that of the resources available under the Plan for the development of education about Rs 175 crores\textsuperscript{326} would devoted to the education of girls, of which about Rs 114 crores were for education at the primary and middle school stages.

The study discloses that expenditure on scholarship programmes rose from Rs 3.5 crores in 1950-51 to over Rs 8 crores in 1955-56 and to about Rs 11 crores in 1957-58. It was expected to increase to about Rs 18 crores by 1960-61.\textsuperscript{327} The number of scholarship holders rose from 3.6 lakhs in 1950-51 to 8.8 lakhs in 1956-57. Of the later about 7.8 lakhs were in schools and about one lakh in college; and universities and 48.5 lakhs in schools. The proportion of students in colleges and universities receiving scholarships and stipends was 9 percent in 1950-51, and was estimated to be about 16 percent in third plan.

\textsuperscript{324} Ibid, p. 577. \textsuperscript{325} Ibid; p. 592. \textsuperscript{326} Id. \textsuperscript{327} Id.
These scholarships were continued during Third Plan and provisions for new scholarships during this plan in different fields were as follows:\textsuperscript{328}

<table>
<thead>
<tr>
<th></th>
<th>In Lakh</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education programme</td>
<td>4.0</td>
</tr>
<tr>
<td>Pre university stage</td>
<td>6.0</td>
</tr>
<tr>
<td>University stage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Programme for the welfare of Backward Classes</strong></td>
<td></td>
</tr>
<tr>
<td>Pre University</td>
<td>11.0</td>
</tr>
<tr>
<td>University stage</td>
<td>6.0</td>
</tr>
<tr>
<td>Technical and vocational education and technology</td>
<td>8.0</td>
</tr>
<tr>
<td>Craftsmen</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>37.0</td>
</tr>
</tbody>
</table>

(IV) Fourth Five Year Plan (1969-74)

The Fourth Five Year Plan was adopted in 1969 with the objective of raising living standard and opening up to people new opportunities for a richer and more varied life. The philosophy of distributive justice was explicitly accepted as the goal of the country's programme for social and economic development narrowing down the economic and social disparities. The plan postulated that, as a first step towards equality of opportunity for every citizens, a socialistic economy

\textsuperscript{328} Id.
should provide for the basic necessities in particular, for food, work, opportunity for education, reasonable conditions for housing and a minimum level of income to ensure a good living standard. It was emphasised that administrative machinery at all levels should be geared up to the basic economic and social task which would assist the country to achieve the objectives of distributive justice. The plan was designed to accelerate development and provide greater opportunity for the transformation desire. The planners were of the view that a decisive change that would shape and colour all the efforts was needed above all in the social and cultural climate. They pleaded that the test of earnestness about distributive justice lied in the critical efforts made in imparting confidence to every citizen that he was the participant and the beneficiary of development.

Accordingly, the total outlay proposed for Fourth Five Year Plan was Rs 23,750 crores, consisting of Rs 16,000 crores in the Public sector Rs and 7750 crores in Private sector. In view of the importance of agriculture, emphasis was placed on its improvement and outlay of Rs 410 crores was allotted to agriculture sector. "Land to the Tiller" was adopted as the main plank in the scheme of land reform, which contemplated that

owner-cultivation should be established on the widest possible scale and all cultivators should come into direct relation with the state.\textsuperscript{331} The objective of the land policy during this plan was to eliminate all elements of exploitation and social injustice within the agrarian system so as to ensure equality of tennurial status and opportunity to all. Thus stress was laid to achieve this objective by abolishing all intermediary interests between the state and tiller of the soil, regulating rent, conferring on tenants security of tennures and, eventually ownership rights, imposing ceiling on agricultural holdings, distributing surplus land among the landless agricultural labourers and the small holders, and bring about the consolidation of holdings.\textsuperscript{332} A broad assessment of the programme of land reform adopted since the introduction of the First Five Year Plan reveals that till the end of Third Five Plan about 20 million tenants have come into direct relationship with the state and become owners of their holdings.\textsuperscript{333} Similarly, about 3 million tenants and share croppers have acquired ownership of more than 7 million acres.\textsuperscript{334} According to available reports, over 2 million acres of surplus lands in excess of ceiling limits have been declared or taken possession of by the

\begin{thebibliography}{99}
\bibitem{331} Ibid, p. 125.
\bibitem{332} Ibid, pp. 128-134.
\bibitem{333} Ibid, p. 126.
\bibitem{334} Ibid.
\end{thebibliography}
Government in different states. It is also revealed that 28 million acres of land has been consolidated till the end of third plan. It is also a matter of pride that about 10 million acres of land have been distributed to landless agriculture workers till the end of third plan. The study of Fourth Five Year Plan discloses that an outlay of Rs 45 crores had been allocated for reclamation of land and another Rs 10 crores for subsidy and loan to new settler on waste land and surplus land.

In order to ensure equality to all, the programmes for the development of various small industries, viz, handloom, powerloom, industrial estates, handicrafts, khadi and village industry were set forth during fourth plan and an outlay of Rs 690 crores was allotted for this purpose.

There was made a provision of Rs 50 crores for social welfare programmes which aimed at providing important supplementary welfare service mainly at the level of local area. The most important programme was that of family and child welfare along with certain special schemes for women and children. Other programmes for social welfare to which special attention was given during the Fourth Five Year Plan included prevocational training for

335. Ibid, p. 127.
336. Ibid, p. 133.
337. Ibid, p. 131.
school drop outs in the age group 11-14, eradication of beggary, social defence and rehabilitation of handicapped person. Similarly, plan provided for Rs 180 crores for programme for the welfare of backward classes. This was done to enable the tribal communities and other backward classes to obtain their fair share of the benefit of general development. 339 For Hill areas including border area the plan made a supplementary provision of 50 crores. So as to make the maximum impact on the development of tribal areas, Hill areas, and densely populated regions were marked by low level of income and employment 340

One of the main tasks in the Fourth Five Year Plan was to evolve practical ways in which the poor workers could make an increasing contribution to National development and National policy. Special attention therefore was given to improve the administration of the legislation which had been enacted for protection, safety and welfare of industrial workers. An initiative to set up Work Committee was encouraged with the result that there were constituted 3400 works committees representing about 1.7 million workers in 1965. 341 It was also hoped that in the due course of few years 'Joint Management councils' would become a normal feature of the industrial system. The

339. Ibid; p. 57; Also See Chapter XXI, pp. 372-385.
340. Ibid, p. 59
341. Ibid, 388.
scheme of Joint management councils was introduced in 48 undertakings in the public sector and 81 in the private sectors.\textsuperscript{342} It was also proposed to bring employees and their families in all areas with insurable population of Rs 500 or more within the scope of the employee's state insurance schemes. In addition, the insurance scheme was extended to include all factors employing 10 or more persons using power 20 or more persons without power and to shops and commercial establishment in some of the larger cities. The study also shows that prior to Fourth Five Year Plan the Employees State Insurance Scheme had already been extended to 3.13 million employees and 3.03 million insured persons family units.\textsuperscript{343} In order to provide safety to the workers, many helping institutions like National Safety Council for Mines, Central Labour Institute, Regional Labour Institute were set up in view of high rates of accidents in a number of Industries.\textsuperscript{344} Separate statutory welfare funds also were proposed to be set up for workers in manganese, dolomite, lime, stone and other mines. In the Fourth Plan, it was also purposed to establish 12 new Regional centres and provide training for 565,000 workers, 9960 worker teachers and 400 education officer.\textsuperscript{345} To ensure certain minimum standard for workers in respect of

\textsuperscript{342} Ibid, 389.
\textsuperscript{343} Ibid; p. 394
\textsuperscript{344} Ibid, p. 398.
\textsuperscript{345} Ibid, p. 397.
living conditions, an outlay of Rs 45 crores was provided for the subsidized industrial housing schemes, Rs. 2.5 crores for dock labour housing and Rs 2 crores for the plantation labour housing.  

Efforts were also made to provide an effective base for health services within the frame work of long term targets proposed by the "Health Survey and Planning Committee" of 1961. Public health and Medical programmes were divided into five broad groups with an outlay of Rs 492 crores. The outlays for each groups were as under:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Items</th>
<th>Outlay (Rs. crores)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Medical Education, Training and research</td>
<td>178.30</td>
</tr>
<tr>
<td>2.</td>
<td>Control of communicable diseases</td>
<td>86.68</td>
</tr>
<tr>
<td>3.</td>
<td>Medical care, including hospitals, dispensaries and primary health centres</td>
<td>181.00</td>
</tr>
<tr>
<td>4.</td>
<td>Public Health Services</td>
<td>36.02</td>
</tr>
<tr>
<td>5.</td>
<td>Indigenous System of medicine</td>
<td>10.00</td>
</tr>
</tbody>
</table>

The study of Fourth Plan reveals that attempt was made to link education more purposively with the requirements of country's development. Education

347. Ibid; p. 338.
programmes were adjusted as to be more responsive to social needs. Adult literacy programme was stepped up considerably and made functional in character so that could become an effective tool for the realization of distributive justice. Accordingly, the programmes under education were expected to increase the enrollment from 78.5 to 92.2 percent in the age group 6-11, from 32.2 to 47.4 percent in the group 11-14 and 17.8 to 22.1 percent in the age group 14-17.\textsuperscript{348} An outlay of Rs 1210\textsuperscript{349} crores was made available in the Public Sector for the various education programmes. Of the total public sector outlay, 26.6 percent was earmark for elementary education, 20.2 for secondary education, 14.5 percent for university education and 20.9 percent for technical education.\textsuperscript{350}

The probe into Fourth Plan acquaints us with the facts that there had been a very significant increase during the last 15 years in the number of children going to school. Between 1950-51 and 1965-66, their number rose from 19 million to 52 million in classes 1-5 and 3 million to 11 in classes 6-8.\textsuperscript{351} It was also quite encouraging that enrollment of scheduled castes and scheduled Tribes children had increased at a faster rate than before and the gap between the enrollment boy and

\begin{footnotes}
\item 348. Ibid, p. 53
\item 349. Ibid.
\item 350. Id.
\item 351. Ibid, p. 313.
\end{footnotes}
The enrollment of the students of backward classes at the secondary stage increased from 1 million in 1950-51 to 5.5 million in 1965-66. In case of the girls students, the percentage increased from 24.6 percent to 56.2 percent in classes 1-5, 4.5 percent to 6.7 in classes 6-8, and 1.8% to 7.8 in classes 9-11 during the last fifteen years. Enrollment at the university stage went up from 0.3 million in 1950-51 to 1.1 million in 1965-66 with an increase by 0.4 million in the third plan. The targets of university education in the Fourth Plan were as under:

**Enrollment Target at the University Stage.**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Item</th>
<th>1960-61 achievement</th>
<th>1965-66</th>
<th>1970-71</th>
<th>Enrollment in proposed Target million</th>
<th>addition achievement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>University/ Collegiate (17-23) age-group</td>
<td>0.7</td>
<td>1.10</td>
<td>1.60</td>
<td>0.40</td>
<td>0.50</td>
</tr>
<tr>
<td>2.</td>
<td>Percentage of age group</td>
<td>1.5</td>
<td>1.9</td>
<td>2.0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Enrolment in science courses</td>
<td>0.44</td>
<td>0.80</td>
<td>0.25</td>
<td>0.36</td>
<td></td>
</tr>
</tbody>
</table>

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352. Ibid.
354. Ibid, p. 316
(V) The Fifth Five Year Plan (1974-1979)

The Pattern of the growth for Fifth Five Year Plan was derived from the constitutional philosophy contained in our National Charter. To ensure distributive justice and create an environment of the welfare society, main emphasis in the plan was laid on the removal of poverty. The main elements of the Fifth Five Year Plan strategy for the realization of distributive justice were; (a) to attain 5.5 percent over all rate of growth of gross domestic product; (b) an expansion of productive employment opportunities; (c) a national Programme for Minimum Needs Covering elementary education, drinking water, medical care, in rural areas, nutrition, home-sites for the landless labours, rural roads, rural electrification and slum improvement and clearance; (c) extended programme for social welfare; (d) an adequate public procurement and distribution system for assured supply of essential consumption goods, atleast to poorer section, at reasonably stable prices; e) institutional, fiscal and other masseurs for reduction for social economic and regional inequalities. Accordingly an outlay of Rs 53,411 crores was allotted for Fifth Five Year Plan to

355. Ibid, 316.
356. See, Constitution of India, The preamble, Part III and Part IV.
357. Draft Fifth Five Year Plan (1974-1979), Vol.I. p. 27
358. Ibid.
accomplish the goal of distributive justice.\textsuperscript{359}

The study of Fifth Five Year Plan reveals that a new programme, known as 'National programme of Minimum Needs' was incorporated in the plan to identify priority areas of social consumption and to lay down for each of these a minimum norms for attainment by the end of the Fifth Five Year plan period. The programme envisaged a frontal attack on the redemption of poverty by attempting to allocate adequate resources for social consumption for all areas and establish throughout the country a net work of certain essential services to attain the goal of equality in its true perspective.\textsuperscript{360} It was decided that attention should be concentrated on programmes dealing with elementary education, rural health, nutrition, drinking water, provisions of house sites, rural roads and rural electrification.\textsuperscript{361}

The spirit of distributive justice seem to have been embodied in the very contents of the programme which were as under: (i) the provision for facilities for elementary education for children upto the age of fourteen at the nearest possible places to their homes; (ii) ensuring in all areas a minimum uniform availability

\textsuperscript{359} Ibid, 83.  
\textsuperscript{360} Ibid, 87.  
\textsuperscript{361} Ibid.
of public health facilities which would include preventive medicine, family planning and nutrition;
(iii) supplying drinking water to villages suffering from chronic scarcity or having unsafe sources of water;
(iv) provision of all weather or roads to all villages having a population of 1500 persons or more;
(v) this minimum limit being conceived of as for a cluster of villages in the case of hilly and tribal areas;
(vi) carrying out environmental improvement of slums; and
(vii) ensuring spread of electrification to cover approximately 30–40 percent of rural population.

The objective of Fifth Five Year Plan was to make educational facilities available at least to 90 percent of the children in the age group of 6–11 and 47 percent in the age group of 11–14. This target was to achieve the constitutional directive of providing free and compulsory education to children up to the age of 14 within period stipulated in the constitution.362 Similarly, it was expected that by the end of Fifth Plan, additional facilities to the extent 111 primary Health Centres, 11036 sub-centres and 1293 rural hospitals would be established.363 Concentrated attention was given to pregnant women, lactating mothers and children, in the age 0–6 in tribal areas, urban slums and drought prone rural

362. Ibid p. 81.
363. Ibid, 87.
areas and school going children of weaker sections. The plan made efforts to cover about 11 million additional beneficiaries with an expected outlay of Rs 530.20 crores to be spent on nutrition. The scheme to give financial assistance to the state for the provision of house sites which was introduced during the Fourth Plan was continued with a provision of Rs 108 crores with a view to providing nearly 4 million house-sites during the plan period. The plan also made a provision to provide the minimum condition for health to various sections of urban population to bring environmental improvement in slum areas. The environmental improvement programmes were extended to all towns with a population of 3 lakhs and above with a provision of Rs 13 crores available for this purpose.

To sum up, Rs 2803.79 crores were made available for the National Programme of Minimum Needs, the detail of which may be given as under:

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364. Ibid, 89.
365. Ibid, 90.
366. Ibid.
<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Item</th>
<th>Outlay in fifth plan (Rs. in crores)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Elementary Education</td>
<td>451.51</td>
</tr>
<tr>
<td>2.</td>
<td>Rural Health</td>
<td>291.47</td>
</tr>
<tr>
<td>3.</td>
<td>Nutrition</td>
<td>530.20</td>
</tr>
<tr>
<td>4.</td>
<td>Rural Water Supply</td>
<td>554.00</td>
</tr>
<tr>
<td>5.</td>
<td>Rural Roads</td>
<td>498.00</td>
</tr>
<tr>
<td>6.</td>
<td>House site for landless</td>
<td>107.95</td>
</tr>
<tr>
<td>7.</td>
<td>Slum Improvement</td>
<td>94.63</td>
</tr>
<tr>
<td>8.</td>
<td>Rural Electrification</td>
<td>276.03</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>2803.79</strong></td>
</tr>
</tbody>
</table>

It is also disclosed from the survey of Fifth Five Year Plan that redistributive growth was considered to be the major objective of the Fifth Plan. The reason being that the planners knew it well that a major cause of inequality in the society was due to a large scale unemployment and hence they thought that most effective way to deal with it was to provide vastly expanded employment opportunities at reasonable income level. Thus an increased emphasis was given to the generation of employment opportunities for the poorer section of population as well as to increase the earning of those who where marginally employed. A provision of Rs

368. Ibid, P. 45.
57 cores was made in the fifth plan for craftsmen training, employment service and labour welfare programmes. Of this Rs 14.57 crores was in the central and 42.03 crores in the states and union territory plan.\(^370\) It was proposed to train about 20,000 worker teachers and 10 lakhs workers during the Fifth Plan by activising the existing regional centre and opening new regional Centres.\(^371\) The plan also laid emphasis on the welfare of the workers and steps were suggested to set up Welfare Funds for the benefit of workers with a view to give them relief against risks and many other under- takings.\(^372\)

The objective and strategy devised for the Welfare of Backward Classes in the Fifth Plan aimed at improving quality of life of these people and narrowing the gap between the levels of development of these people and general population.\(^373\) An integrated area development plan was introduced for the elimination of exploitation of the backward classes and to speed up the processes for their economic and social development.\(^374\) The plan also proposed to draw out separate sub-plans for areas with a large concentration of scheduled tribes within the respective state plans. The exploitation of tribals by contractors, money lenders and other vested interest in different

\(^{370}\) Ibid, p. 273  
\(^{371}\) Ibid.  
\(^{372}\) Id.  
\(^{373}\) Ibid; p. 275.  
\(^{374}\) Id.
spheres of economic activities were proposed to be curved by establishing, re-organising and expanding the existing framework including the Tribal Development Corporation. A provision of Rs 255 crores was made for programmes in the backward classes sector in the Fifth Plan. A major thrust during fifth plan was on expansion of preventive and developmental programme of social welfare nature. Efforts were made to bring about integration between the social and economic aspects of the planning for the weaker sections, particularly for children and women. A special care was to be taken to look after the welfare of child, women and handicapped and hence a provision of Rs 220 crores was made for social welfare in the Fifth plan as compared to the outlays of Rs 75 crores in Forth Plan. In addition to various step taken by the Central and States Governments certain financing and promotional institutions were charged with specific responsibility of assisting the development of Backward areas.

A substantial progress was recorded in the expansion of education facilities during Fifth Plan. At the elementary stage, a number of improvement schemes were initiated. The state Government implemented pilot projects in selected areas to reduce wastage and stagnation

375. Id.
376. Ibid, p. 277
377. Ibid, p. 284
at the elementary stage. At the secondary stage special programmes for encouraging girls programmes were launched. At the university stage, the university grant commission provided assistance for the development and expansion of post-graduate education and research. Special assistance was given to colleges for the improvement of their academic and physical facilities. The thrust of the plan was in four main directions:—

(i) ensuring equality of educational opportunities as part of the overall plan of ensuring social justice;
(ii) establishing closer links between the pattern of education on the one hand and needs of development and the employment market on the other;
(iii) improvement of the quality of education imparted; and
(iv) involvement of the academic communities including students in the tasks of social and economic development.

Since the advanced section of population had mostly been covered the fifth plan proposed to create an atmosphere wherein education facilities could primarily benefit the backward communities and weaker section of the population. An outlay of Rs 50 crores was provided for post metric scholarships, Rs 4 crores for girls hostel and Rs 3 crores for coaching and allied schemes. Incentives, in the forms of midday meals, books and stationery, stipends

379. Ibid.
and uniforms and attendance scholarships for girls, were proposed to be provided for promoting enrollments and ensure the retention of the children in the school. To sum up, an outlay of Rs 1726 crores was provided for education in the plan. The headwise breakup of this outlay may be shown as under:

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Sub Head</th>
<th>Rs crores</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Elementary education</td>
<td>743</td>
</tr>
<tr>
<td>2.</td>
<td>Secondary education</td>
<td>241</td>
</tr>
<tr>
<td>3.</td>
<td>University education</td>
<td>337</td>
</tr>
<tr>
<td>4.</td>
<td>Social education</td>
<td>35</td>
</tr>
<tr>
<td>5.</td>
<td>Cultural programme</td>
<td>35</td>
</tr>
<tr>
<td>6.</td>
<td>Other educational programmes</td>
<td>171</td>
</tr>
<tr>
<td>7.</td>
<td>Technical education</td>
<td>164</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>1726</strong></td>
</tr>
</tbody>
</table>

Besides this, an outlay of Rs 112 crores was also provided for mid-day meals under Nutrition and about Rs 150-160 crores for supplemental education programmes under social welfare.

381. Ibid.
382. Ibid, p. 207.
(VI) The Sixth Five Year Plan (1980-85)

The Sixth Five Year Plan was formulated taking into account the fact that there was a great need to create an environment to remove the miserable conditions of the weaker strata and uplift them in accordance with the constitutional commitment envisaged in The Preamble, Part III and Part IV of the Charter. Therefore the plan was designed with an expectation that there was progressive reduction in the incidence of poverty. The basic task before the planners was to bring about a structural transformation of the economy so as to achieve a progressive improvement in the standard of living of the masses leading to the eradication of poverty and unemployment and provide the material base for a self-reliant socialist economy. The strategy to attain the goal of distributive justice was chosen after considering the full background of a prospective covering, a period of fifteen years from 1980-81 to 1994-95. Consistent with overall social and economic objectives, public policies were shaped and reshaped in such a way as to acquire sharper distribution in raising the share of the poorer sections in the National Income and consumption and the utilization of public services. The specific action programme like the National Rural Employment Programme and

383. See, Sixth Five Year Plan, (1980-85), p (iii)
384 Ibid. Chapter II, p 17
385 Ibid.
other antipoverty schemes, meant for selected target groups of population, were thought essential components of a strategy designed to assist in the removal of unemployment and poverty. The removal of poverty was the foremost objective of the Sixth Plan even though it was agreed that given the magnitude of the task, it was not possible to accomplish it in a short period of five years.

In the light of these considerations the main objectives of the Sixth Five Year Plan were as follows:

(i) a progressive reduction in the incidence of poverty and unemployment;
(ii) to improve the quality of life of the people in general with special reference to the economically and socially handicapped population through a Minimum Needs Programmes,
(iii) to strengthen the redistributed bias of public policies and services in favour of the poor, contributing a reduction in inequalities of income and wealth,
(iv) to promote the active involvement of all sections of people in the process of development through appropriate education, communication and institutional strategies.

An outlay of Rs.1,72,210 crores was provided under Sixth

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386 Id.
387 Ibid, chapter III, p.32.
388 Ibid, p 63.
389 Ibid, p 51.
Five year Plan for this purpose. The main emphasis was laid on the fact that institutional reforms designed to impart a greater redistributive bias to public policies in favours of the poor sections are perceived with great vigour and effectiveness. The Sixth plan approached the problem of poverty alleviation by three major stages: (a) identification and measurement; (b) developing realistic targets and (c) formulation of specific programme to match the target. For an assessment of the problem and for setting targets a quantitative index for poverty was formulated in the reports of the 'Task Force' on projections of Minimum Needs and Effective Consumption Demand was set to work out the poverty line.\(^{390}\) There were introduced many new schemes to weed out poverty. In this context, mention may however be made of the Special Consumptional Plan for the uplift of Scheduled Castes, The Integrated Rural Development Programme, and National Rural employment programme.\(^{391}\) The total number of house holds to be covered by IRDP during the plan period was nearly three thousand families per block. This meant that the programme intended to cover nearly 75 million people in more than 13 percent of the rural population.\(^{392}\)

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390 Ibid.
392 Ibid,
purpose was Rs 1500 crores over the Sixth Plan period supplemented Rs. 3000 crores from institutional finance.\(^ {393}\)

The target group for this purpose was located in the poorest of the rural population. It was estimated that IRDP would cover nearly 11 percent of the rural population above the poverty line covering about 12 million households in the rural sector. The plan also made provision to cover 6.1 million of the poor in the urban sector.\(^ {394}\)

A great attention was also paid with regard to the land reforms and the main characteristics of the land reform policy under Sixth Five Year plan were five fold: (i) abolition of intermediary tenures; (b) tenancy reforms comprising regulation of rent, security of tenure and conferment of ownership rights on tenants; (iii) ceiling on land holdings and distribution of surplus land; (iv) consolidation of holdings, (v) compilation and updating of land records. The implementation of various elements of this policy, more specifically, the following were taken up during the Sixth Plan period on a time bond basis: \(^ {395}\), (a) States which did not have legislation provisions for conferment of ownership rights on all tenants except for specific exempted categories should introduce appropriate legislative measures to do so within a period of one year, i.e. by 1981-82.

\(^{393}\) Id

\(^{394}\) Id.

\(^{395}\) Ibid, p 115.
(b) The programme of taking possession and distribution of ceiling surplus land would be completed within a period of two years, i.e., 1982-83. Priority in the allotment of surplus land would be given to scheduled castes and Scheduled Tribes among the landless.

(c) A systematic programme would be taken up for compilation/updating of land records to be phased for completion within a period of five years, i.e., 1980-85.

(d) Programme of consolidation of holdings would be taken up by all States phased for completion in 10 years. With priority to be given to command areas of irrigation projects where it should be completed for preventing fresh fragmentation of holdings after consolidation below a minimum size would also be considered.

(v) The programme for the provision of house sites to the landless would be completed during the plan period.

The Minimum Needs Programme, introduced during Fifth Plan, was continued with the objective to provide social services according to Nationally accepted norms within a time bound programme. The area to be covered under this programme was concerning elementary education, rural health, rural water supply, rural roads, rural electrification, housing assistance to landless labourers, environmental improvement of urban slum and nutrition. The plan disclose that an outlay of Rs. 5708

396 Ibid, p 222.
397 Ibid.
crores was made available for Minimum Needs Programme against Rs. 2607 for the fifth plan. \textsuperscript{398} It was purposed to achieve the objective of universalization of elementary education in two stages, that is, 95 percent of enrollment in the age group 6-11 and 50 percent in age group 11-14 by 1985 and universal enrollment in age group 6-14 by 1990. \textsuperscript{399} It was also made clear that in regard to enrollment in classes VI-VIII, target for formal education of 50 percent of 11-14 would be achieved in 23 states and a union territory which were lagging behind in their target. \textsuperscript{400} Special efforts were proposed to be made to spread education in backward and remote areas and especially to the more socially and economically disadvantaged particularly girls and belonging to scheduled castes and scheduled Tribes, who constituted the bulk of non-starters and drop out. \textsuperscript{401} Besides, non formal education for adults, particularly in productivity age group 15-35 years, was also made a part of the elementary education component of the Minimum Needs Programme. An outlay of Rs 120 crores was remarked for Adult Education under this programme with a total outlay on elementary education in the Sixth Plan of Rs 1033 crores that is Rs 905 crores plus Rs 128 crores. \textsuperscript{402}

\textsuperscript{398} Ibid., p 223  
\textsuperscript{399} Ibid.  
\textsuperscript{400} Ibid., p 224.  
\textsuperscript{401} Ibid.  
\textsuperscript{402} Id.
Similarly, several health infrastructures were strengthened to achieve the objective of Health-For-All by 2000 A.D.\textsuperscript{403} For this purpose, Rs 577\textsuperscript{404} crores were remarked for 1980-85. The plan purposed to allot house-sites to 6.8 million families during this period against the earlier target of 7.7 million house-sites provided to the landless labourers household.\textsuperscript{405} Accordingly, an outlay of Rs354 crores was provided for this programme towards the construction of house sites.\textsuperscript{406} Under special Nutrition programme, 15.1 million children were purposed to be covered outside the plan and 2.3 million under the Plan.\textsuperscript{407} The total cost of the Nutrition programme for the Plan 1980-85 was estimated to be Rs. 219 crores\textsuperscript{408}

The study of Sixth Plan also brings forth the fact that labour welfare policy derived its philosophy and contents from the Directive Principles of State Policy as laid down in the constitution.\textsuperscript{409} The thrust of the welfare programme in the Sixth Plan was on implementing effectively the measures contemplated in different legislative enactment and extend the coverage to the Employee State Insurance Scheme, the Employees Provident Fund and Family Pension Scheme. It was also highlighted...
that special programme must be undertaken by the State Government for the benefit of agriculture labours, artisans, handloom, weavers, fisherman, leather workers and other unorganized workers in the rural and urbanized areas. 410 It was also equally emphasised that workers participation in the management must become an integral part of industrial relation system to serve as an effective instrument of distributive justice. The thrust in the plan was also on extending measure to protect the safety and health of the workers and intensify studies initiated with assistance of organization like the Indian council of Medical Research to identify the incidence of occupational disease in specific areas with a view to evaluate the adequacy of existing arrangements for protection and treatment of workers and to detect newly emerging occupational health hazardous. 411

The need for special schemes to identify Bounded Labour was also realized and consequently a centrally sponsored programme was started to bring to lime light the miserable conditions of bonded labour. The preliminary report of the survey on the incidence of bonded labour conducted in 1978 by Gandhian Peace Foundation and National Labour Institute indicated a high figure of 22 lakhs. However, according to the finding of National sample

410 Ibid.
survey the estimated number of bonded labours in 1977-78 was 3.5 lakhs. Pending further scrutiny of these estimates, the figure of 1.20 lakhs, as reported by different States Governments was, adopted for operational purpose. These labourers were expected to be rehabilitated by 1981-82. The rehabilitation programme was intensively widened with provision for minimum consumption allowance and making available durable assets to facilitate their engagement mainly in non-farm occupational like, animal husbandry, piggery, bee-keeping, etc, which could provide a reasonable sound basis for sustained employment and income.

The Plan also recommended a multiple-policy approach to deal with the problems of working children and take measure to regulate employment of child labour, guarantee minimum standard relating to the condition of service, welfare, etc. Similarly special steps were taken to improve the condition of women labour with special attention to the following safeguards:

(i) provision of basic amenities in working and living conditions, such as housing, water supply, hospital and medical services, sanitation, etc.
(ii) provision of maternity leave benefits, family planning incentives, etc.

412 Ibid, p 408
(iii) provision of care and education for all the children of the family.
(iv) provision of opportunities for education, skill training, and upgrading and advancement in order to widen areas and avenues for their employment and
(v) provision of alternative employment schemes for off-season and employment periods. An outlay of Rs161.7 crores was proposed for Labour and Labour Welfare Programme for the period 1980-85. 413

Sixth Plan also witnesses the steps taken for the purposes of development of backward classes in pursuance of, the Directive Principles of States Policy which obligates the State to promote with special care the educational and economic interests of Weaker Section of the People, and in particular of Scheduled Caste and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation. 414 It is revealed that the provision for funds for these programmes rose from Rs39 crores in the First Plan to Rs 327 crores in the Fifth Plan with a total amount of Rs 744 crores to be spend till the end of 1978-79. Of this amount 48 percent was spent on educational schemes, 26 percent on economic scheme and rest on health, housing, drinking water supply and grants-in-aid to voluntary organization working amongst scheduled castes.

413 Ibid, p 410.
414 See, constitution of India, Act. 46.
and scheduled Tribes. It is also equally revealed that more than 59.75 lakhs Backward classes children received stipends and scholarships at matric level annually and other 5 lakhs students at the post-matric level. A scheme to provide central assistance to the Scheduled Castes Development Corporation was started by the states with the initial amount of Rs5 crores. High priority was accorded to protective measures and elimination of exploitation. The major objective of the Sixth Plan was to wage an all-out war on poverty and mobilise all latent energies for the creation of more dynamic and equitable society. Special component plans were formulated as part of various Programmes to enable Scheduled Castes families to cross poverty line within short period. An outlay of Rs 2030 crores was earmarked for the development of Backward classes under the Sixth Plan of which Rs 470 crores were for tribal Sub-plan Areas and Rs 600 crores for Special Central Assistance for the development of Scheduled Castes.

The plan also placed special emphasis on providing equal rights and privileges for women and made available minimum health facility for them to ensure acceleration of education, increase in the labour force and

415 supra 413, chapter XVII, p 417.
416 Ibid.
417 Ibid, p 418.
418 Ibid, p 422.
welfare services for women in need. Various welfare and development schemes were introduced to improve their living conditions and increase their access to and control over material and social resources. Many initiatives were undertaken to improve their legal, social and other constraints to enable them to make use of rights and new opportunities on equal footing with others.  

A wide network of Maternity and Child health centre and family welfare centers were established with an attempt to integrate the family welfare programme with health services. Special nutrition programmes were encouraged for providing nutritional supplement to the most vulnerable pregnant and nourishing mothers and the children of the age group 0-5. The basic philosophy behind these programmes was to cater to the special needs of women who by reason of some handicaps social, economic, physical or mental- were unable to avail of or were traditionally denied the amenities and services provided by the community. An outlay of Rs 35.19 crores was earmarked for women welfare in Sixth Plan.

In order to realise the goal of distributive justice efforts in the Plan were made to direct education system towards a set of goals and tasks which can be mentioned as under:-

419 Ibid, chapter 27, p 423.
420 Ibid.
(i) To guarantee to all equality of opportunity for education for improving the quality of life and their participation in the tasks of promoting the general well-being of the society;
(ii) to afford to all young people and adults, irrespective of age, the means for ample self fulfillment with the framework of harmonious development which reflect the needs of the community which they belong.
(iii) to provide for a continuous process of life-long education for physical, intellectual and cultural development of people and for incalculating their capability to cope with and influence social change;
(iv) to establish dynamic and beneficial linkages between education and employment and the development with due regard for the economic and social aims of the community.
(v) to promote respect for, and belief in the dignity of labour; and
(vi) to sensitize academic communities to the problem of poverty, illiteracy and environmental degradation through extension services and organised participation in reduction.

The impact of National Policy on Education was that total enrollment in elementary education increased from 220 lakhs in class I-VIII in 1950-51 to 905 lakhs during 1979-80.\textsuperscript{421} Taking the proposal for primary and

\textsuperscript{421} Ibid, chapter XXI, p 353
middle stages together, the additional enrollment in full
time elementary education during 1980-85 was projected as under:

### Target of Expansion of Full-Time Elementary Education: 1980-85

<table>
<thead>
<tr>
<th>Age group Class</th>
<th>Enrollment in Lakhs</th>
<th>Percentage of Population in the age group</th>
<th>Target</th>
<th>1979-80</th>
<th>1984-85 Target</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
</tr>
<tr>
<td>6-11/I-V</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boys</td>
<td>438</td>
<td>485</td>
<td>100.2</td>
<td>108.1</td>
<td></td>
</tr>
<tr>
<td>Girls</td>
<td>272</td>
<td>342</td>
<td>65.9</td>
<td>81.5</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>710</td>
<td>327</td>
<td>83.6</td>
<td>95.2</td>
<td></td>
</tr>
<tr>
<td>11-14/I-VIII</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boys</td>
<td>130</td>
<td>166</td>
<td>52.2</td>
<td>63.1</td>
<td></td>
</tr>
<tr>
<td>Girls</td>
<td>65</td>
<td>92</td>
<td>27.7</td>
<td>36.8</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>195</td>
<td>253</td>
<td>40.2</td>
<td>50.3</td>
<td></td>
</tr>
<tr>
<td>6-14/I-VIII</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boys</td>
<td>568</td>
<td>651</td>
<td>82.3</td>
<td>91.7</td>
<td></td>
</tr>
<tr>
<td>Girls</td>
<td>337</td>
<td>434</td>
<td>52.2</td>
<td>65.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>905</td>
<td>1085</td>
<td>67.8</td>
<td>78.8</td>
<td></td>
</tr>
</tbody>
</table>

The study also reveals that special

monitoring cells were established at the centre and the state level to look into the progress of elementary education, particularly target groups, which were yet to be provided with universal elementary education. The emphasis of the Plan was on minimum essential education to all citizens and aims at extending appropriate educational support to the concerned groups of individuals through carefully designed groups specific and work-based curricula to be integrated as the part of development of activities. Thus the Sixth Plan provided an outlay of Rs 2523.74 crores for this purpose. The headwise distribution of the Sixth Plan outlay for education was as under:\footnote{Ibid, p. 361.}

<table>
<thead>
<tr>
<th>Sub-Head</th>
<th>(Rs. Crores)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Early childhood and Elementary Education</td>
<td>905.37</td>
</tr>
<tr>
<td>(ii) Secondary Education</td>
<td>398.01</td>
</tr>
<tr>
<td>(iii) Teacher Education</td>
<td>22.00</td>
</tr>
<tr>
<td>(iv) University and Higher Education</td>
<td>485.75</td>
</tr>
<tr>
<td>(v) Adult Education</td>
<td>128.00</td>
</tr>
<tr>
<td>(vi) Sports and Games and Youth Welfare</td>
<td>93.54</td>
</tr>
<tr>
<td>(vii) Other programmes</td>
<td>129.56</td>
</tr>
<tr>
<td>Subtotal</td>
<td>2162.23</td>
</tr>
<tr>
<td>(viii) General education</td>
<td>277.61</td>
</tr>
<tr>
<td>(ix) Technical Education</td>
<td>83.93</td>
</tr>
<tr>
<td>Total</td>
<td>2523.74</td>
</tr>
</tbody>
</table>
This outlay was apart from the provisions made separately for Hill Area Development Plan as well as under the relevant sector of Agriculture, for education in agriculture and allied sciences, and Health for education in medicine and related fields.

(vii) The Seventh Five Year Plan (1985-90)

The Seventh Plan was introduced in 1985 with a zeal to evolve a national consensus of removing poverty, building a strong self-reliant economy and creating a social system based on equity and justice. The Plan outlined the objectives and priorities for the next five years to be achieved to accomplish the goal of the creation of socialistic Pattern of society, dreamt of by the wise founding fathers of our constitution. It sought to maintain the momentum of growth in the economy while redoubling the efforts to remove poverty. The Plan ventured to rid this country of the ancient scourges of poverty, ignorance and disease. The objectives and the thrust of Seventh Plan were to eliminate poverty and illiteracy, achieve near full employment, secure basic needs of food, clothing and shelter and providing health for all to accomplish the goal of distributive justice in its true perspective. In this Plan we find the reflection of Gandhian dream to wipe out

425 Ibid, p. VIII, (Preface) by Dr. Manmohan Singh the Deputy Chairman of Planning Commission
the tears of each and every individual in the country.\textsuperscript{426}

The aim of Seventh Plan, therefore, was to provide the basic material and cultural requisites of well-being of all people and raise the productivity and income of the poorer sections of the population, poorer region and poorer states with a view to accelerate improvement in facilities for health, education and other basic civic amenities.\textsuperscript{427}

Many programmes were started to weed out the gap between the rich and the poor. The plan also envisaged the continuance and expansion of the National Rural Employment Programme (NREP), Integrated Rural Development Programme (IRDP), Rural Landless Employment Guarantee Programme (RLEGP), Training of Rural Youth For Self Employment (TRYSEM), which were started in the sixth Plan. These programmes were initiated to generate\textsuperscript{428} 2458 million man days additional employment in rural areas.

The aim over the Seventh Plan, employment potential was expected to increase by 40 million standard persons years against an increase in labour force of around 39 million persons.\textsuperscript{429} The aim of Seventh Plan was to provide housing assistance to 2.71 million poor rural families and extend benefit to around 9 million slum dwellers.\textsuperscript{430} The Plan also

\textsuperscript{426} Ibid, p XIV.
\textsuperscript{427} Ibid, p 8.
\textsuperscript{428} Ibid, p 33.
\textsuperscript{429} Ibid.
\textsuperscript{430} Ibid, p 44.
laid stress to implement family welfare programme with
great vigour so as to achieve couple protection of 42
percent, with increased emphasis of female education and
maternal and child health service. It was also expected
that enrollment in elementary education class(I-VIII) would
be increased by 25 million and cover 92 percent of the
population in the age group 6-14 years by 1989-90.\textsuperscript{431}
Keeping in view the constitutional philosophy of
distributive justice, efforts were made to bring down the
poverty ratio to less than 10 percent by 1994-95 by
providing assistance to around 20 million household under
the IRDP under the Seventh Plan. To enable these targets to
be achieved an outlay of Rs 1328.88 crores was earmarked
for this programme in the Plan in the central sector to be
matched by an equal amount by the states.\textsuperscript{432} The outlays
under this programme were to be based on principle of
selectivity geared to actual incidence of poverty in
different states. The National Rural Employment Programme
(NREP) was expected to generate employment in the rural
areas to the extent of 300-400 million man days per annum
with an outlay of Rs 1620 crores to be provided under this
programme.\textsuperscript{433} Similarly, Rural Landless Employment
Guarantee Programme (RLEGP) was started with the objective
of improving and expanding employment opportunity for the

\textsuperscript{431} Ibid, p 43
\textsuperscript{432} Ibid, p 57
\textsuperscript{433} Ibid
rural landless with a view to furnishing guarantee of employment to at least one member of every landless household up to hundred days in a year. 434 An outlay of Rs 1743.78 crores was earmarked for RLEGp to be born entirely by the Centre against an outlay of Rs 500 crores provided for this programme in the Sixth Plan. 435 An outlay of Rs 333.72 crores was allocated under this plan for labour welfare measures. 436

One of the most significant things that happened during the Seventh Plan was the adoption of National Health Policy and consequently pro-health care Programmes were restructured and reoriented toward this policy with special emphasis on the extension and expansions of the rural health infrastructure through a network of community health centres, Primary health centres and sub-centres. The total outlay for the health sector was to the tune of Rs 3392.89 crores. 437 Similarly, an outlay of 7.32 crores was allocated under the central sector for nutrition programme covering child welfare and women welfare activities. However, the Plan outlay for the states and union territories was Rs. 1693.86 crores and Rs 39 crores respectively. 438

434 Ibid, p 60
435 Ibid, pp 60-61
436 Ibid, p 121
437 Ibid, p 279
438 Ibid, p 316
The Plan also laid down long term objectives of the developmental programmes for women to raise their economic and social status in order to bring them into main stream of national development. In order to incalculable confidence among women and bring about an awareness of their potential for development, as also of their rights and privileges, various mass communication media were expected to be utilized with special measures to be initiated for strict enforcement of the Dowry Prohibition Act, and also to prevent harassment and atrocities on women. Thus sustained efforts were expected to be made through various schemes in order to reach hundred percent coverage in elementary education for children up to the age of 14 years. It was expected that ICDS programme would work as the springboard for waging war and tackling the prejudice and socio religious constraints on a wider scale. Thus priority was proposed to be given to women in teacher’s training programmes to increase the availability of trained women teachers and thereby to enhance girls enrollment and retention in schools. Besides, incentives, like uniforms, free text - Books and attendance scholarship were to be continued to the needy girls in all school. Adult education Programme were modified to incorporate new value systems in the community regarding the role of women in the family and
The aim of Seventh Plan was to continue the thrust towards the socio-economic development of Scheduled Castes, scheduled Tribes and other backward classes enabling them to cross poverty line. A sum of Rs 1239.21 crores was earmarked to meet out the expenditure on socio-economic programmes designed for the welfare of the scheduled castes, scheduled tribes and other backward classes. An equal thrust was also laid on the Minimum Needs Programme with an objective to integrate it with other rural development and antipoverty programme so as to create necessary linkages in the delivery service. The programme comprised two different sets of activities: human resources development activities which covered adult and elementary education, health, drinking water supply, nutrition and rural housing, and activities relating to area development like the rural roads and village electrification. For achieving the goal of universalization by the end of the Plan, 50 million children were expected to be additionally enrolled in the Plan period. It was also estimated that 0.72 million land-less families would be covered on priority basis for providing houses to the rural land less

439 Ibid, p 325
440 Ibid, p 337
441 Ibid
442 Ibid, p 397
labour and for this a sum of Rs 36 crores was proposed to be utilized. The novel feature of Seventh Plan was that a special attention was paid towards the expansion of Public distribution system. The main thrust of the expansion was in the rural areas with special attention to remote and inaccessible areas. The distribution system was introduced to help the poor by providing goods of daily needs at fair price. For this purpose an outlay of Rs. 2.50 crores was remarked in the central Plan.

The healthy gestures of Seventh Plan were that it provided for Re-orientation of the education system so as to prepare the country to meet the challenges of the next century. The Plan laid thrust on the following areas:

(i) achievement of Universal elementary education,
(ii) eradication of illiteracy in the age-group 15-35 years;
(iii) upgradation of standards of modernization at all stages of education;
(iv) provisions of facilities for education of high quality and excellence in every district of the country; and
(v) removal of obsolescence and modernization of technical education.

443 Ibid, p 391
444 Ibid, p 392
445 Ibid, p 255.
The priority was given to realizing of universalization of elementary education for children in the age group 6-14 years by 1990. This was continued to be the part of Minimum Needs Programme. The enrollment at the elementary stage was estimated to obtain the target of 112 million.\textsuperscript{446} To accomplish this goal, non formal education programme was emphasised with a number of 25 million children to be covered under this programme.\textsuperscript{447} Besides, Seventh Plan laid emphasis on eradication of Adult illiteracy with objective to cover all the illiterate in the age group 15-35 year by 1990.\textsuperscript{448} The programme of Adult education was linked with various development programmes especially the Integrated Rural Development Programme, Nehru Yuvak Kendras (NYK) and National Service Scheme (NSS).\textsuperscript{449} Concentrated efforts were expected to be made to increase the enrollment of Scheduled castes – Scheduled Tribes Candidates with special emphasis on remedial teaching, preparatory training and special coaching. The Seventh Plan outlay for education development was to the tune of Rs. 6383 crores of which the States Sector outlay was Rs 3994 crores.\textsuperscript{450}

\textsuperscript{446} Ibid.
\textsuperscript{447} Ibid, p 256.
\textsuperscript{448} Ibid, p 257.
\textsuperscript{449} Ibid, p 258
\textsuperscript{450} Ibid, p 264.
The Eighth Five Year Plan (1992-97) came into existence on April 1, 1992. The basic objectives of this Plan is to ensure that the needs of ordinary people and the quality of their life becomes the central focus of the planning. It seeks to correct existing imbalances and addresses itself to tackling a vast majority of human problems arising out of unemployment, poverty and social and economic inequalities. There are contained in it the imperative of keeping up the pace of growth in order to generate adequate employment, alleviate poverty and meet the most essential social needs. The approach to Eighth Plan is expected to have four fold focus:

(i) clear prioritisation of sectors/projects for intensive investment in order to facilitate operationalization of policy incentives taken in the area of fiscal, trade and industry sectors and human development;

(ii) making available the resources for these priority sectors and to ensure effective utilization of these resources;

(iii) creation of social security net through employment generation, improved health care and provision of extensive education facilities throughout the country; and

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(iv) creation of appropriate organisations and delivery system to ensure that benefits of investment in the social sectors reach the intended beneficiaries.

The Plan is expected to lay emphasis on the development of Social Sector with priorities to be assigned to:

- (a) employment generation;
- (b) containing population growth;
- (c) universalization of elementary education and complete eradication of illiteracy among the people in the age group of 15 to 35;
- (d) provision of safe drinking water and primary health facilities, rural roads and rural energy. In order to achieve the objective of alleviation of poverty and provision of basic needs to the weaker section of the society, it is expected to accord top priority to the issue of population control. The creation of awareness of development and universalization of education has been made priority area to accomplish the goal of distributive justice. The Central thrust of the Plan is on employment with a firm commitment to give operational content to the guarantee of right to work to every citizen through the medium of development programme. To achieve the goal of full employment it is estimated to create additional

453 Ibid, p. 5
employment opportunities at the rate of around 10 million per year for the next 10 years. The Plan which envisages an average annual growth rate of 5.6% in the economy and 3 percent in employment over the decade is expected to lay emphasis on development then the growth rate per se.

To epitomise, the highlights of Eighth Plan may be briefed as under:

(i) It envisages an overall growth rate of 5.6 percent;
(ii) It aims at the attainment of employment growth rate at 3 percent annual average over the current decade;
(iii) It proposes the elimination of illiteracy by the end of the Plan by overhauling education policy;
(iv) It promises the delivery of adequate health care to people;
(v) It assures supply of foods through a restructured, more efficient and decentralized public distribution system;
(vi) It proposes to bring change in family planning strategy from emphasis on contraceptive measures to focus on women's status, female literacy and control of infant mortality;
(vii) It seeks to review the policy of small scale industry with special encouragement to labour intensive units;
(viii) It tends to lay emphasis on Public Sector to pay special attention to infrastructure, intermediate goods, strategic commodities and social services;

455 Supranote, 453--1m10
(ix) It seeks to accord special role to women in the scheme of decentralized Planning;

(x) It promises to evolve strategies for the development of Scheduled castes, Scheduled Tribes and Backward Classes to liberate them from their disabilities;

(xi) It seeks to launch special programme of education and public health for adult women and girls;

(xii) It aims to undertake effective measures for relief and rehabilitation of scheduled castes, scheduled Tribes and Backward Classes;

(xiii) It is committed to the task of improving the condition of minorities by raising educational level through employment generation and promotion of specialized skill and crafts.

(xiv) It promises to enrich Health Care System by using simple inexpensive methods and remedies derived from traditional system to attain the goal of "Health For All By the Year 2000";

(xv) It proposes to introduce paramedical courses in higher secondary schools situated near hospitals;

(xvi) It lays emphasis on focusing special attention on family planning programme to ensure status of women, spread female literacy and help in the control of infant mortality;

(xvii) It seeks to lay special focus on village and small industries for balance and regional growth;
(xviii) It endeavours to put efforts to improve facilities for housing, education, health, child care and essential services.

(xix) It proposes to ensure democratic decentralization to be completed within the first year of Eighth Plan.

(XX) It tends to transfer responsibility for development to elected representatives of local government bodies with adequate representation to be provided to women and vulnerable sections of society.

An outlay of Rs 7,98,000 crores has been provided under this Plan to accomplish the overall objectives contained in the Eighth Five Year Plan.

(IV) Sum Up

The foregoing discussion reveals that the true goal of our national freedom was not only to seek emancipation of the country from the fetters of alien rule but also to rebuild Indian society on the dynamic philosophy of distributive justice. The real goal before our freedom fighters was to free India through a new Constitution, to feed the starving millions, to clothe the naked masses, and to afford to every Indian, high or low, the fullest opportunity to develop himself according to his capacity. The spirit contained in the objective Resolution makes it amply clear that our final aim after

obtaining freedom from British yoke was to establish a classless society with equal social, economic and political justice to all.\textsuperscript{457}

It was in this context that the Constituent Assembly formulated the objectives and guiding principles that were to be the basis of the constitutional philosophy.\textsuperscript{458} Accordingly, various Articles have been incorporated in the Constitution to activate the Philosophy of distributive justice and consequently ameliorate the conditions of the poor with a firm resolve to lift them to a position of equality with their fortunate brethren. The Constitution makers have left no doubt to burden the legislature and the Executive with the responsibility to set the tone for a new social policy, legislations and programmes to relieve the unfortunate brethren of bondage, serfdom, poverty and exploitation. It is revealed from the spirit of various Articles contained in our National Charter that the Legislature and the Executive have been obligated to provide adequate means of livelihood for all citizens, distribution of material resources of the communities for the common welfare, avoidance of concentration of wealth and means of production to common detriment, equal pay for equal work, protection to workers especially to children, right to work, education and public

\textsuperscript{457} Ibid, p. 269
\textsuperscript{458} For detail see, Constitution of India, Part III and Part IV.
assistance in certain cases, provisions for just and human conditions of work and maternity relief, and living wages, decent standard of life and leisure for all workers. The underlying idea behind the distributive justice is to wipe out every tear from every eye and thus a duty has been cast on the three instrumentalities of the state to implement the constitutional philosophy of distributive justice and shower the hope of a transformation from status-quo of blood, sweat, tears to a social order in which justice—social, economic and political shall enforce the warp and woof of national life.

The foregoing study reveals that the task to implement and execute the philosophy of distributive justice has been undertaken quite actively by the legislatures immediately after independence. Numerous legislative measures in the field of personal laws, marriage, position of woman, children and downtrodden, labour welfare, health and land reforms, etc, have been enacted by Parliament and the State Legislatures to cherish the goal of distributive justice. Various land reform legislations have been brought into existence in pursuance of the spirit of Articles 39(b) and (c) which direct the State toward securing that (i) the ownership and

459. Ibid, Articles: 39(b), 39(c), 39(d), 39(e), 41, 42 and 43.
460. Supranote, 15.
461. For detail see the text of legislations mentioned under supranotes, 17-21.
control of the material resources of the community are so distributed as best to subserve the common good (ii) the operation of economic systems does not result in the concentration of wealth and means of production to the common detriment. The legislations enacted from time to time have abolished all type of intermediaries at one stroke and conferred ownership on the poor tenants with the result that the tenants by and large have acquired ownership rights in their tenancies and vested with uninterrupted rights to cultivate and use the land of their own choice. The land reform legislations are intended to weed out institutional and motivational obstacles and evolve on more equalitarian social structure by breaking the old feudal and semi-feudal exploitation. Laws have also been made by all State legislatures in India for the imposition of ceiling on land with a view to arrest the growth of monopolistic tendencies in land ownership and acquire surplus land to be distributed to the landless person with a zeal to remove the under-balance from the society, resulting from landless class on the one hand and the concentration of land on other hand in the few. It is revealed that post 1971 ceiling legislation have been improved, rationalized and put on a more or less uniform bases. The legislations can be safely said to be an improvement upon the past legislations in so far as many loopholes of the past have been plugged. The inclusion of agrarian reform legislations in Ninth Scheduled of the
constitution deserves a special praise as it has provided immunity to these legislations from the attack on the grounds that these are violative of fundamental rights. The resultant effect is that all laws relating to agrarian reforms have been precluded from attack based on Article 13 read with other relevant Articles of Part III of the Constitution.\textsuperscript{462}

Besides, a few new Articles have been added to Parts IV of Constitution to boost up and expedite the goal of distributive justice.\textsuperscript{463} The device evolved under the new Articles is intended to obligate the state to secure the operation of legal system promoting justice on the basis of equal opportunity. The supreme position has been assigned to the Directive Principles and, more over, Forty-Fourth Amendment Act, 1978 has been brought into existence with an intention to take away the Right to property from the category of fundamental Right and make it a right which can be regulated by ordinary law\textsuperscript{464}. The amendment is the symbol of an earnest attempt towards the realization of the goal of distributive justice.

\textsuperscript{462} For detail see, First Amendment Act, 1951; Fourth Amendment Act, 1955; Seventh Amendment Act, 1964; Twenty-Fourth Amendment Act, 1971, Twenty-Fifth Amendment Act, 1971; Twenty-Sixty Amendment Act, 1971; Thirty Fourth Amendment Act, 1974; Thirty-Ninth Amendment Act, 1975; Forty-Second Amendment Act, 1976.

\textsuperscript{463} Supranote, 74.

\textsuperscript{464} Constitution of India, Articles: 300-A.
It is also revealed from the foregoing discussion that Indian Parliament has enacted Untouchability Act, 1955 to do away with the problem of untouchability in India. To achieve dignity and claim equality in all spheres, the Act has been amended from time to time and stringent measures have been adopted to prescribe punishment for preaching and practising untouchability. Similarly, the most abominable form of Atrocities have been declared as illegal by passing of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The State Governments have been empowered to devise mechanism to prevent atrocities and restore the feeling of security amongst the members of Scheduled Castes and Scheduled Tribes. The objective of the Act is not only to prevent the commission of the offences of atrocities against the members of Scheduled Castes and Scheduled Tribes but also to provide relief and rehabilitation to the victim of such atrocities.

The study also brings forth the fact that Indian legislatures have paid quite a considerable attention to provide justice to the women and children in

466. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec.: 3 and 17.
467. Ibid, Sections 3(1) and 3(2)
India. Many welfare legislations have been made to give priority in the scale of social justice to the welfare of women and children in India. These legislations have obligated the State to the effect that women and children are given opportunity and facilities to develop in healthy manner and in condition of freedom and dignity and they are protected against exploitation and moral and material abandonment. These laws have special bearing on the welfare of the women and children. The survey of these legislations disclose that the making of agreement to pledge the labour of children to employment has been prohibited and declared as void. To mention a few, Factory Act, 1948; Motor Transport Worker’s Act, 1951; Plantation Labour Act; 1951; Mines Act, 1952; Apprentices Act, 1951; The Child labour (Prohibition and Regulation) Act, 1986 are some of the legislations which have been designed to provide justice to the children and allow them to grow in their life to the best of their capacity. Similarly, study of women welfare legislations establish that our legislators have been quite conscious of the fact that distributive justice under Indian Constitution will remain the paper tiger and a matter of far cry unless women are brought on par with men in Indian society. In order to achieve this objective, the legislations have been enacted with an intention to enjoin

upon the State the duty to direct its policy towards securing that the 'man' and 'woman' equally share the right to an adequate means to livelihood and that there is equal pay for equal work for both man and woman. The women welfare legislations have been intended to evolve policy toward securing that the health and strength of the women workers are not abused and that they are not enforced by economic necessity to enter avocations unsuited to their age and strength. The legislations have also been designed to secure just and human conditions for work and for maternity benefit in favour of woman workers. Even in the field of personal laws, Indian Parliament and the State legislatures have brought many effective legislations into existence with the objective in mind that the legal status of the women in the area of personal law is improved and brought on par with the man section of the society. In the field of proprietary rights, Indian legislature, have made strenuous efforts to coin new legislations to the effect that existing discrimination is done away especially with regard to the proprietary rights to women to uphold the equality principle and render justice in favour of women section.469 The proprietary rights of the women have now been made absolute one. She has now right to alienate the property and has full powers to manage it without any

469. Supranote, 133.
restrictions. She is now one of the legal heirs in class I and class II of the Schedule.\textsuperscript{470} The male and female have now right to inherit simultaneously in accordance with the list of class I and class II heirs. Same is the case with regard to adoption and guardianship. The legislatures have granted a superior position to a woman as guardian of their child. The spirit behind Hindu Minority and guardianship Act, 1956, is to render justice to woman in the capacity of a mother and function as guardian in her full capacity to promote the welfare of her children. Indian legislators have enacted an array of labours welfare legislations to accomplish the goal of distributive justice which implies first, that equitable distribution of profit and other benefits be positively assured. Second, that women workers are protected against harmful effects to their health, safety and morality. Accordingly, all welfare legislations, Center around the philosophy that injustice based on unequal birth and opportunity is undone and wealth is distributed as equally as possible between men and women. The aim of these legislations is to bring socio-economic equality between man and women and assist the removal of socio-economic disparities so as to pave a strong path for the establishment of a socialistic pattern of society.\textsuperscript{471} A special position has also been accorded under Criminal Procedure Code, search, seizure, arrest.

\textsuperscript{470} Supranote, 136.
\textsuperscript{471} Supranote. 468.
imprisonment, to ensure justice to the women and safeguard them against indecency and exploitation. 472 Similarly, the suppression of Immoral Traffic in Women and Girls Act, 1956; Dowry Prohibition; Act, 1961; Medical Termination of Pregnancy Act, 1971; The commission of Sati (Prevention) Act, 1987; are the welcome steps for the suppression of exploitation against the women. These legislations are really mile stones in the modernization of Indian society through the instrumentalities of law as these legislations seek to restore the autonomy of woman, lost since centuries together. We may add here that the Indian legislatures are earnestly busy in affording broad and clear guidelines through legislations to generate the environment of distributive justice in favour of the women.

It is also equally evident that several labour welfare legislations have been enacted in pursuance of spirit contained in Part IV of the constitution to direct the state to ensure that the health and the strength of the workers, man and woman, and the tender age of the children are not abused and that the citizens are not forced by economic necessity to enter avocations unsuited to their age and strength, 473 that the citizens, man and woman equally have the right to an adequate means

473. Constitution of India, Article, 39.
to livelihood, that the operation of economic system does not result in the concentration of wealth and means to production to the common detriment, that there is equal pay for equal work for both man and woman. The idea behind these labour welfare legislations is to shape the economic policy in such a fashion as to give the poor workers their due status by offering them reasonable working conditions. It is apparent from the foregoing study that Parliament and the State legislatures have remained sensitive to promote the welfare of the poor labourers by strengthening their position in the organization by imposing certain specific obligations on the management with the object to prevent exploitation and engulf the gap between rich employer and poor workers. The true objective of these legislations is to prevent all forms of coercion and exploitation against the poor workers and provide them social security. The intention reflected in these legislations reveal that the legislators have always remained interested in minimizing the scope of exploitation of the poor workers and promote their welfare by providing medical care, maternity care, insurance against sickness or employment injury and similar other benefits. Bonded Labour (Abolition) Act, 1976 is really a bold and handsome effort made by the parliament to prevent the economic and physical exploitation of the weaker section of the people.

474. Supranotes, 188, 189 and 190.
goodness of Act lies in fact that it has made obligatory that Bonded labour system shall stand abolished and every Bonded labourer shall stand freed and discharged from any obligation to render bonded labour.\textsuperscript{476}

In order to realize the goal of distributive justice, many beneficent legislations have been enacted to help the poor to get justice envisaged for them in the National charter. The introduction of article 39-A to the constitution is really a revolutionary step in the direction of actualization of the philosophy of distributive justice as it enjoins the State Governments to provide Free Legal Aid to the poor who remain the real victim of exploitation. The Parliament has enacted the Legal Services Authorities Act, 1987 to provide free and competent Legal services to the weaker sections of the society to ensure that opportunity for securing justice are not denied to any citizen by reason of economic or other disabilities. The concept of Lok-Adalat evolved under this Act is another welcome step to accelerate the spirit of distributive justice. The Act imposes duty on the State Government to constitute Legal Service Authority to exercise the powers and perform the functions conferred on these States under the Act.

To be brief, it can be safely said that Indian legislatures have played the role of the activists

\textsuperscript{476} Supranotes, 209-214.
and really encourage and vitalized the goal of distributive justice by bringing effective legislations form time to time in the light of constitutional commitment which solemnly resolve to establish a welfare state.

Like Legislatures, the Executive has also made effective beginning soon after attaining independence to execute policies and programmes designed by the legislative wing from time to time with regard to the actualization of the goal of distributive justice. The foregoing study shows beyond the shadow of doubt that a good beginning has been made by the Executive to establish a social and economic order in consonance with the philosophy of distributive justice enshrined in Preamble, part III and Part IV of the constitution. In order to realize the goal of distributive justice, First Five Year Plan was launched to work out priorities to provide justice to the deprived sections of the society. The study of First Five Year plan reveals that an outlay of Rs. 2,013 crores was purposed to be spent on Education, Health, Housing, Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes, Women and Children, Poor workers to speed up the process of distributive justice. Similarly, the 'Plan Frame' of Second Five Year Plan was adopted to give concrete expression to policy decision relating to the

477. Review of First Five year Plan, Govt. of India, 1957, p. 3.
socialistic pattern of society. It is evident that the Planners intended to achieve three principal objectives, namely,

(a) reduction of inequalities in income and wealth and a more even distribution of economic powers;

(b) expansion of employment opportunities;

(c) a sizable increase in national income so as to raise the level of living in the country. To achieve these objectives, the planners viewed that a reduction in inequalities need to be forced from both ends. On the one hand, measures had to be taken to reduce excessive concentration of wealth and income in higher levels, and on the other incomes in general, and particular at the lowest level, have to be raised. The attention was paid to see that benefits of economic development should accrue more to the relatively less privileged section of the society. The total developmental outlay of the Central and State Governments over the period of plan was worked out to the tune of Rs. 4800 crores to be spent on different items such as agricultural and community development, irrigation and power, transport and communication, social welfare services and others. The Second Five year plan represents a balanced and combined

479. Supra note, 261. p. 51
480. Supra note, 266.
481. Supra note, 267.
approach to the main problems of economic development and social justice. The issue to land reforms was given a place of special significance and a sum of Rs 450 crores was estimated during the plan period for compensation and rehabilitation assistance payable to intermediaries. Emphasis was also laid on Education, Health, Employment, New housing schemes for poor workers, welfare of weaker sections with a view to ensure strong base for the creation of welfare state. The special programmes were proposed to supplement the development of Scheduled Castes and a sum of Rs. 21.28 crores earmarked for this purpose. The aim of Second Plan was not only to help the weaker section of society but also to develop the entire community with an aim and objective to assist them to meet out their special needs.

Similarly, the Third Five Year Plan was started in 1961 with outlay of Rs. 8000 crores with an objective to establish greater equality of opportunity and weed out disparities in income. The priorities worked out under the Plan were examined carefully by Parliament committee. It was unanimously agreed that economic and social policy must be shaped in the light of philosophy contained in Article 38 Which inter-alia provide that, "the

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482. Supra note, 268.
483. Supra note, 275-288.
484. Supra note, 284.
485. Supra note, 293-295.
486. Supra note, 295.
state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institution of national life". Accordingly, as revealed from the foregoing study, the basic premise in Third Plan was that development should take place along socialistic line which will ultimately secure rapid economic growth and expansion of employment, reduction of disparities in income and wealth, prevention of concentration of economic powers and creation of values and attitudes of free and equal society. Briefly speaking, the objectives of Third Plan were: (i) to combat the curse of poverty; (ii) to pave way towards socialism, (iii) equal opportunity for all (iv) equal distribution of powers; and (v) removal of disparities in income. It is revealed that the first priority was accorded to agriculture, irrigation and community development and accordingly a total outlay of Rs. 1718 crores was allocated for this purpose as compared to 950 crores in Second Plan. 487 Special attention was drawn to land reforms with a view to eliminate all elements of exploitation and provide security for the tiller of the soil 488 with the result that twenty millions of tenants came in direct contact with the State and improved their social and economic conditions.

487. Supra note, 299.
488. Supra note, 300-301.
The Plan also shows that employment opportunities were enhanced and Rs. 104 crores were allocated for this purpose. Equally so, priority was also accorded to the welfare of working class to allow them to share the fruits of progress in equitable manners. The study of Third Five Year Plan also discloses the fact that it paid special attention to the development of backward classes to promote with special care their educational and economic interest and protect them from social injustice and all form of exploitation. A total outlay of Rs 114 crores was spent on their welfare against the earlier outlay of Rs 30 crores and Rs. 79 crores during First and Second Plan respectively. The plan also accorded a special significance to the role of the education. It is manifest from the plan document that over the decade 1951-61, total number of students increased from 23.5 millions to 43.5 millions. The increase in the number of pupils in the age groups of 6-11 was 79% in the age group 11-14, 102 percent and in the age group 14-17, 139 percent. It is also equally revealed that during first and second five Year Plans the number of the schools increased by 73 percent from 2,30,555 to 3,98,200, increase in the number of primary schools being 63 percent, in middle schools 191

489. Supra note, 304.
490. Supra notes, 306-308.
491. Supra notes, 312-313.
492. Supra notes, 319-320.
percent and in High school 128 percent.\textsuperscript{493} An outlay of Rs. 418 crores was allocated for this purpose during Third Plan.\textsuperscript{494}

The philosophy of distributive justice was explicitly accepted as the goal of country's programme through Fourth Five Plan. It is revealed that main emphasis under this plan was laid on the basic necessities such as food, shelter, housing and a minimum level of income to ensure a good living standard. In order to meet out the basic necessities, special attention was paid on the improvement of agriculture sector and an outlay of Rs 24.10 crores was earmarked to agriculture sector. The objective of the land policy during this plan was to eliminate all elements of exploitation and social injustice. Thus a great stress was laid to achieve the goal of distributive justice by abolishing all intermediaries interests between the State and the tillers of soil, regulating rent, conferring on tenants security of tenures and eventually ownership rights, imposing ceiling on agricultural holdings and distributing the surplus land amongst the landless agricultural labourers with the result that millions\textsuperscript{495} of tenants came into direct relationship with the state and were designated as the owner of their

\textsuperscript{493} Supra note, 323.  
\textsuperscript{494} Ibid;  
\textsuperscript{495} Supranote, 333.  
\textsuperscript{496} Supranote. 334
holdings. The study shows that more than three millions tenants and share croppers acquired ownership of more than seven millions acres. Similarly, the reports available reveal that more than two millions acres of surplus land in excess of ceiling limits have been declared or taken possession of by the Government in different States. It is also a matter of great pride that about 10 million acres of land have been successfully distributed to the landless agriculture workers till the end of Third Plan. Besides agriculture, the Government has quite actively paid attention to promote various small industries with an outlay of Rs 690 crores allotted for this purpose exclusively. The plan also provided for Rs. 180 crores for programmes for the welfare of backward classes and obtain their due share of the benefit of general development.

The plan also endeavored to cover the problems of poor workers. 3400 work committees were set up to encourage worker's participation in the management. With the passage of time, 'Joint Management Councils' were also constituted in forty-eight undertakings in public sector and eighty-one in the Private sector. Twelve new regional centers were established to provide training for 5,65,000 workers to enable them to get consciousness about

497. Supranote, 335.
498. Supranote, 337.
499. Supranote, 341.
500. Supranote, 342.
their rights and duties. In order to raise their standard of living, an outlay of 45 crores was provided for the subsidized housing schemes, and Rs 492 crores for their health service. A thorough study of Fourth Five year Plan enable us to understand that there was a significant increase in the number of children going to schools, colleges and the university.\textsuperscript{501} It is evident that the enrollment of the students of Backward classes even at secondary stage increased from one million in 1950-51 to five millions in 1965-66.\textsuperscript{502} The progress in the field of education is quite manifest from the fact that enrollment at university stage went up from 03 million in 1950-51 to 1.1 million in 1965-66 with an increase by 0.4 million in third plan.

The framework of Fifth Five year Plan reveals that all emphasis was laid on the removal of poverty to ensure distributive justice and create environment of the welfare state. National Programme of Minimum Needs was incorporated in the plan to identify priority areas of social consumption and to lay down for each of these a minimum norm for attainment by the end of plan period. It is revealed that the areas of priority mainly were like elementary education, rural health, nutrition, drinking water, provisions of housesites, rural

\textsuperscript{501} Supranote, 351.
\textsuperscript{502} Supranote, 353.
roads and rural electrification. The efforts were made to make education facility available at least to 90 percent children in the age group of 11-14. The redistributive growth was considered to be the major objective of Fifth Plan. Thus an increased emphasis was given to the generation of employment opportunities for the poorer section of population so as to increase the earning of those who were marginally employed. To bring Backward Classes on par with the other sections of society, an Integrated Areas Development Plan was introduced for the elimination of the exploitation of the backward classes and to speed up the processes of their economic and social regeneration. It is also revealed that separate sub-plan for areas with a large concentration of Scheduled Castes and Scheduled Tribes was drawn out to save them from exploitation and for this an outlay of Rs 250 crores were allocated in the plan. The plan also shows that Rs 1726 crores were provided for education with special emphasis on elementary education.

The foregoing study also reveals that Sixth Plan (1980-85) was formulated to bring about a structural transformation of the economy so as to achieve progressive improvement in the standard of the living of the masses.

503. Supranote, 362.
504. Supranote, 369.
505. Supranote, 382.
506. Supranote, 382.
ultimately resulting into the complete eradication of poverty and provide the material base for the self-reliant socialist economy. The planners laid emphasis on the specific action programme like the National Rural Employment Programme to assist the removal of unemployment and the poverty from the national scene. The main objectives of this plan were: (a) progressive education in the incidence of poverty; (b) to improve quality of the life of the people with special care to the economically and socially handicapped population through a Minimum Needs Programme; (c) to strengthen the re-distributive bias of public policies and services in favour of poor contributing ultimately towards the re-education of inequalities in income and wealth; and (d) project active involvement of all section of people in the process of distributive justice through appropriate education and institutional strategy. The plan approached the problem of poverty alleviation through three major devices: (i) identification and measurement; (ii) developing realistic targets; and (iii) formulation of specific programme to match the target. Many new schemes like special consumptonal plan for the upliftment of scheduled castes, the Integrated Rural Development Programme, and National Rural Employment programme were introduced to weed out poverty and distribute the gains of progress and development mainly amongst all with special inclination to help the have nots.
It is revealed that more than Seventy-five millions people were covered under Integrated Rural Development Programme. Total outlay for this purpose was earmarked to the tune of Rs. 1500 crores. Great attention was also paid with regard to the land reforms with a view to remove the miserable conditions of the poor tenants and uplift them in consonance with the constitutional spirit contained in Preamble, Part III and Part IV of the national charter. Efforts were also made to spread education in backward and remote areas and especially to the more socially and educationally disadvantaged particularly, people belonging to Scheduled Castes, Scheduled Tribes and Backward classes.

The Plan also laid a great thrust on the welfare programme of the poor workers and special programmers were undertaken by the State Governments for the benefit of agricultural labourers, artisans, handloom, weavers, fishermen, leather workers and other unorganised workers in the rural and urbanized areas. Similarly, Centrally sponsored programme was also started to bring to lime light the miserable conditions of bonded labourers and the surveys on the incidence of bounded labour were conducted highlighting the fact that about labourers were founded to be as bounded labourers. The

507. Supranote, 392.
508. Supranote, 393.
509. Supranote, 412.
efforts were also made to rehabilitate these bonded labourers and hence rehabilitation programmes were intensively widened with provision for minimum consumption allowance and making available durable assets to facilitate their engagement mainly in animal husbandry, piggery, beekeeping, etc., which could provide a reasonable sound basis for sustained employment and income. The Plan also evolved policies to deal with the problem of working children and take measures to regulate employment of child labour, guarantee minimum standard relating to the conditions of service, welfare, etc. For this purpose, an outlay of Rs. 161.7 crores was earmarked for the period 1980-85. The interest of the women workers was also equally protected and various welfare and development schemes were introduced to improve their living conditions and increase their access to and control over the material and social resources. All this has been done to cater to the needs of women who by reason of some handicaps, social economic, physical or mental - were unable to avail of or were traditionally denied the amenities and the services provide by the community.

There is also witnessed a great progress in the field of education. It is revealed that total enrollment in elementary education increased from 220 lakhs

510. Ibid.
511. Supranote, 413.
512. Supranote, 419.
in class I-VIII in 1950-51 to 1085 lakhs during 1980-85.\textsuperscript{513}

The Sixth Plan provided an outlay of Rs 2523.74 crores for this purpose.\textsuperscript{514}

The idea to introduce the Seventh Plan was basically to rid this country of the ancient scourges of poverty and maintain the momentum of growth in the economy while redoubling the efforts to remove poverty. The thrust of Seventh Plan was to weed out the poverty and illiteracy, achieve near full employment, secure basic needs of food, clothing and shelters and providing health for all to accomplish the goal of distributive justice in its true perspective.\textsuperscript{515}

The primary aim of the plan was to provide the basic material and cultural requisites of well-being of all people and raise the productivity and the income of the poorer sections of the population, poor regions and poorer states with a view to accelerate improvement in facilities in health,\textsuperscript{516} education\textsuperscript{517} and other basic amenities. Many new schemes such as National Rural Employment Programme,\textsuperscript{518} Rural Landless Employment Guarantee Programme,\textsuperscript{519} and training of Rural youth for self Employment\textsuperscript{520} were introduced to generate employment...
in rural areas. The plan also made provisions to provide housing assistance to 2.71 millions poor rural families and extend benefit to around 9 millions slum dwellers. Besides, a great thrust was laid on the socio-economic development of Scheduled Castes, Scheduled Tribes and other Backward Classes and a sum of Rs. 1239.21 crores was provided for this purpose. It is also shown in the foregoing study that 0.72 millions landless families were covered on priority basis for providing house to them with an earmarked outlay of Rs 36 crores during this plan.

The document titled, "Approach to Eighth Five Year Plan (1990-95)" also makes it crystal clear that the Eighth Plan seeks to correct existing imbalance and addresses itself to tackling a vast majority of human problems arising out of poverty and social and economic inequalities. It is thus amply clear that Eighth Plan is expected to accord top priority to redistribute the material resources so as to give operational content to the philosophy of distributive justice. An outlay of Rs. 7,98,000 crores has been provided under Eighth Plan to carry out the enshrined in the Plan.

521. Supranote, 430.
522. Supranote, 443.