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Bonded Labour: Human Rights
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BONDED LABOUR: HUMAN RIGHTS

"People only live full lives in the light of Human Rights"*

“Human Rights” means the right relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International Covenants and enforceable by Courts in India.

Human rights are the rights a person has simply because he or she is a human being. Human rights are an inextricable part of our lives, in fact, they are so much a part of every day living, that we often take for granted the protection they offers us.

Human rights are those rights which are inherent in our nature and without which we can not live as human being. They are held by all persons equally, universally and forever. These rights are the rights which are posed by every human being irrespective of his or her nationality, race, religion, sex, creed, caste and so on.

Human rights are international norms that help to protect all people every where from severe political, legal and social abuse, these rights exist in morality and in law at the National and International levels. They are addressed primarily to Government requiring compliance and enforcement. The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights (United State 1948) and many human rights documents and treaties that followed in International Organizations such as United Nation, the Council of Europe, the Organizations of the American State and African Union.

Human rights are inalienable and indivisible rights and are those basic standards without which people cannot live with dignity. In claiming these human rights every one also accepts the responsibility not to infringe on the rights of others and supports those whose rights are abused and denied.

Bonded labours are human beings. They are entitled to enjoy all human rights equally as the other human being by the virtue of their human being. The practice of employing bonded labour has been one of the worst forms of abuse of human rights. Under this system they are deprived of their rights to association.
freedoms from forced labour, right to equality, dignity, and economics security and so on.

1. Right to association:

Right to association includes a right to form and join an association. Freedom of association is the individual right to come together with other individuals and collectively express, promote, pursue and defend common interests.

Worker's organizations can not exist if workers are not free to join them, to work for them and to remain in them. This is a fundamental human right, a civil liberty which as such appears in the catalogues of Fundamental Rights in a number of constitutions, including that of India. Article 19 (1) (c) of the Indian constitution guarantees to all its citizens the right “to form association and union”. However, it is not an absolute right. Reasonable restriction can be imposed under clause (4) of Article 19. This clause empowers the State to imposed reasonable restriction on the right of freedom of association and union in the interest of “public order” “morality” sovereignty or integrity of India. Freedom of association is not only essential for the material well-being of the workers through wage, agreements etc., but for spiritual advancement too in the process of collective bargaining. This freedom is recognized by the Universal Declaration of Human Rights 1948.¹

Among the basic human rights and freedoms, freedom of association is unique, which is an essential condition for steady progress towards the goal of social justice. It enables the workers to give expression to their aspirations and also strengthens their position in collective bargaining by reestablishing a balance in the strength of the parties.

The International Labour Organization (ILO) adopted five conventions in this regard, out of which one is concerned with non-metropolitan countries and the rest four are Right of Association (Agriculture) Convention 1921 (No. 11). Freedom of Association and Protection of the Right to Organize Convention 1948 (No. 87). Right to Organize and Collective Bargaining Convention 1949 (No. 98) and Rural Workers Organization Convention 1975 (No. 141), out of that India has adopted only two conventions i.e. No. 11 of 1921 and 141 of 1975.

Bonded labourers are unorganized laborers they are weak, poor and illiterate they are not familiar with their rights, neither have they union nor they are
in a position to form association or union. They are so poor that they cannot afford to loose even one day's leisure. In addition to that they all the time have apprehension of loosing job, they think that if they will not render service properly they would lose their job and can not get job elsewhere. Their plight is very bad. They are in deep trouble waters. These helpless and unfortunate labourers can not raise voice against their exploiters. Existing trade unions can bail them out of crisis. The members of trade unions can raise voice against erring employers who engage bonded labourers and take advantage out of their helplessness. The member of trade unions with the cooperation of NGO’s who are dedicated for the eradication of this brutal system, can also play an important role in eliminating this social evil.

A former Judge of Madras High Court, M.S. Janardhanan, said that trade unions through their concerted and coordinated efforts could play a greater role in eliminating bonded labour system. He further said that official machinery could not eliminate this system even though the laws were very clear that any form of forcible employment was a cognizable offence, paving way for three years of imprisonment and a fine of Rs. 2000, to the employers.

Representative of trade unions should become members of district vigilance committees so that action taken against erring employers would not be mere eyewash. Moreover, motivated members of trade unions, who had reliable information about prevalence of bonded labour system in the District, could take legal action against the employer, he said.

Besides liberating bonded labourers from the clutches of these employers, rehabilitation process carried out by the Government, should be a meaning full exercise instead of providing new vocational training to the freed bonded labour so that they can run their business profitably, he said.

The director of Vaan Muhil and renouned human rights activist, M.A. Britto, said that since Government agencies were not interested in eradicating bonded labourers system, trade unions should strive to bring out the incidence of forced labour in any industry and play a vital role in eradicating forced labour.

India's Study Group on Bonded Labour urged that efforts should be made to organized bonded labourers at both local and national levels. In September 2000, representatives of major, Indian National Trade Unions and social activists
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held a National Consultation on Forced Labour, the ILO Declaration and reporting mechanisms, they decided to set up a permanent consultative body to collaborate in efforts for the abolition of forced labour and debt bondage in India and resolved to form trade unions in sectors where bonded labourers existed. The media as national, State and local levels were urged to focus adequate attention on the incidence of bonded labour, and on the harassment which bonded labour activists suffered at the hands of their employers.

2. Freedom from forced labour:

Forced labour or slavery is as old as history. It was widespread in many parts of the world in the ancient times. Aristotle justified slavery as a divine and beneficent human institution, not only sanctioned by nature but justified by the circumstances of social existence.

Existence of forced labour is a crime against humanity itself, whenever and in whatever form it may be. The practice of forced labour is condemned in almost every international instrument dealing with human rights. As far back as 1930 long before the Universal Declaration of Human Rights came into being, International Labour Organization adopted Convention No. 29 laying down that every member of the International Labour Organization which ratifies this convention shall "Suppress the use of forced or compulsory labour in all its forms" and this prohibition was elaborated in Convention No. 105 adopted by the International Labour Organization in 1957. India ratified ILO Convection No. 29 of 1930 on the Forced Labour in 1954, and ratified ILO Convention No. 105 of 1957 on Abolition of forced labour in 2000. The word "forced or compulsory labour" in Convention No. 29 had of course a limited meaning but that was so on account of the restricted definition of these words given in Article 2 of the Convention. Article 4 of the European Convention of Human Rights and Article 8 of the International Convention on Civil and Political Rights also prohibit forced or compulsory labour.

The constitution of India also prohibits forced labour in order to prevent exploitation of bonded labour under Article 23 and makes it a punishable offence. thus clause (1) of Article 23 prohibits "traffic in human beings and begar and other similar forms of forced labour and any contravention of this provision shall be an offence punishable in accordance with law".
But it has been permitted in certain circumstances that the State can impose compulsory service, as provided in Article 23 (2) which states. "Nothing in this Article shall prevent the State from imposing compulsory service for public purpose and imposing such service the State shall not make any discrimination on ground only of religion, race, caste, class or any of them". Here it is for the Government to decide as to when compulsory service is imposed for public purpose.

In pursuance of Article 23, the Government of India Promulgated Bonded Labour System (Abolition) Ordinance on 24 October 1975 followed by enactment of Bonded Labour System (Abolition) Act 1976. Abolition of Bonded Labour System figured as item No.5 in the old 20 Point Programme announced by the then Prime Minister Mrs. Indira Gandhi on 1 July 1975. Rehabilitation of bonded labourers figured once again as item No. 4 in the new 20 Point Programme announced to the nation on 14 January 1982. According to this Act every bonded labourer stands "freed and discharged from any obligation to render any bonded labour". However, it is painful to note that inspite of all above constitutional and legal measures about 21.7 lakhs of the bonded labourers still exist according to a preliminary report of the National Survey on the incidence of bonded labour conducted by the National Labour Institute, New Delhi, in collaboration with the Gandhi Peace Foundation the report stated.

"Deprived of basic human rights (Freedom of movement and freedom of seeking employment), subjected totally to the mercy of landlord, benefit of bargaining power, devoid of any property and themselves being the property of their masters, they seek opportunities to survive for which they are forced to go into bondage for the pettiest amount of debts. They subordinate themselves with increasing intensity to the system of exploitation of cheap labour controlled by the moneylender farmer, social customs or unproductive purposes like festive occasions no longer constitute the main reasons for the indebtedness of the poorest of our rural society".

The National Human Rights Commission set up in 1994 has targeted bonded labour and asked State Governments to take speedy and definite steps for the elimination of bonded labour. This has been taken up more in some States than
in others. Tamil Nadu for example, began implementing rehabilitation plans and spent $1.25 million in 1999 on freeing bonded labourers.\(^7\)

Thus it is true that till this pernicious system of bondage is eradicated, India's commitment to democracy and human rights will be a matter of serious controversy, which is not possible by mere legislation but by its effective implementation, removal of poverty, eradication of illiteracy and spiritual teaching of equality, fraternity and brotherhood.

The problem of forced or bonded labour is a matter of human rights, which should be tackled quickly and properly. For this, the Government is doing something in its own way but social workers and philanthropists should also come forward. Moreover, legal aid programme can also be useful in emancipation of bonded labour. At last, not the least, poverty should be stricken and suitable and adequate amendments in laws particularly in land laws, be introduced so that landless bonded labourers lead their life as human being with dignity and share their efforts in development of the country as free citizen.

Generally bonded labour is the result of poverty which nourishes feudalism. Thus labour legislation prohibiting bonded labour and mere provision for their rehabilitation will not help much unless viable measures are taken to remove poverty, to provide employment and minimum income for livelihood.

3. Right to equality:

Equality means equality of basic human rights, economic equality, equality of opportunity or equality of consideration for all human beings. The concept of the equality has been held basic to the rule of law and is regarded as the most fundamental postulate of republicanism.

\textit{In Indira Nehru Gandhi vs. Raj Narajan} :\(^8\) The Supreme Court has held that the right to equality conferred by Article 14 is a basic structure of the constitution of India and essential feature of democracy or rule of law. It has been held to be a right which more than any other is a basic postulate of our constitution. It has been held that the equality clause, embodies in Article 14, does not speak of mere formal equality before the law, but embodies the concept of real and substantive equality which strikes at the inequalities arising on account of vast, social and economic differentiation and is thus consequently an essential ingredient of social and economic justice.\(^9\) The essence of the principle behind Article 14 is a
basic structure infact the essence is more important than equality in the abstract or formal sense. But bonded labour system is contrary to it. The bonded labourers victims of inequality are deprived of every right in this unequal society, for which they are entitled under National and International laws. They are entitled for equal treatment under Articles 14, 15 and 16 because these Articles provide right to equality and equal treatment to all and prohibit the system of bonded labour. Article 14 states that.

"The State shall not deny to any person equality before the law or equal protection of the laws within the territory of India".

The right to equality in the constitution of India is not merely a negative right not to be discriminated against but also a positive right to be treated as an equal. The Article 14 not only prohibits some of the existing inequalities practiced by public power or State but even by private person and expressly authorized that State to take necessary steps to minimize and remove them. The State is under an obligation to take necessary steps so that every individual is given equal respect and concern which he is entitled to as a human being. It can be well said that Article 14 is a guarantee against the State action.

Although State may not employ all the bonded labourers but if it does not prohibit their employment by private persons, it amount to a tacit permission for their employment and denial of human rights, violative of the Article 14. Equality before the law or equality under the law or legal egalitarianism is the principle under which individual is subjected to same laws.

To protect right to equality, every sort of discrimination must be discouraged and banned. Broadly speaking, discrimination is practiced in two fields i.e. wages and employment mainly on the ground of sex.

The right of equal remuneration has been recognized by the Universal Declaration as well as Indian constitution. In India, this provision, having been made part of chapters-IV of this constitution, which contain simply social goals, to be achieved by the State but does not make it enforceable. However towards achieving this social goal in 1976 the Equal Remuneration Act was passed to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination on the ground of sex, against women in the matter of employment and for matter connected therewith or incidental thereto. This Act
fulfils not only the objectives laid down in Article 39 (d) of the constitution but also of the Discrimination (Employment and Occupation) Convention 1958 and of the Article 16 (1) and 16 (2) of the constitution.

In People Union for Democratic Rights and Others v. Union of India and Others: Where the provisions of Equal Remuneration Act 1976 were violated and women workers were being paid only Rs. 7 per day and the balance of the amount of the wage was being misappropriated by the Jamadars. The Court observed “that the Union of India, the Delhi Administration and the Delhi Development Authority can not fold their hands in despair and become silent spectators of the breach of a constitution prohibition being committed by their own contractor. So also with regard to the observance of the provisions of the Equal Remuneration Act 1976, the Union of India, the Delhi Administration and the Delhi Development Authority can not avoid their obligation to ensure that these provisions are complied with by the contractors. It is the principle of equality embodied in Article 14 of the constitution which find expression in the provisions of the Equal Remuneration Act 1976 and if the Union of India, the Delhi Administration or the Delhi Development Authority at any time finds that the provisions of the Equal Remuneration Act 1976 are not observed and the principles of equality before law enshrined in Article 14 is violated by their own contractors. It can not ignore such violation and sit quite by adopting a non-interfering attitude and taking shelter under the executive that the violation is being committed by the contractors and not by it. If any particular contractor is committing a breach of the provisions of the Equal Remuneration Act 1996 and thus denying equality before the law to the workman, the Union of India, the Delhi Administration or the Delhi Development Authority as the case may be would be under an obligation to ensure that the contractor observe the provisions of the Equal Remuneration Act 1976 and does not breach the equality clause enacted in Article 14.

In Sanjit Roy v. State of Rajasthan: Supreme Court observed that the workers employed in the construction of the Madanganj-Harmara Road as a measure of relief in famine stricken area are entitled to a minimum wage of Rs. 7/- per day, and that wage can not be reduced by reference to the Rajasthan Famine Relief Works Employees (Exemptions from Labour Laws) Act 1964, because in so far as the provisions of section 3 of that Act countenance a lesser wage. They
operate against Article 14 of the constitution and are, therefore, void. The rights of all the workers will be the same, whether they are drawn from an area affected by drought and scarcity conditions or come from elsewhere. The mere circumstance that a worker belongs to an area affected by drought and scarcity conditions can in no way influence the scope and sum of those rights.

The main anti discrimination provision is found in Article 15 which says that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subjectived to any disability, restriction or condition with regard to

(a). Access to shops, public restaurants, hotels and place of public entertainment or

(b). The use of wells, tanks, baths, roads and places of public resort maintained wholly or partly out of State founds or dedicated to the use of the general public. But clause (3) provides that.

“Nothing in this Article shall prevent the State from making any special provision for women and children”, and clause (4) similarly provides that.

Nothing in this Article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any society and educationally backward classes of citizens or for the scheduled castes and the scheduled tribes.

In this regard Article 16 (1) of constitution says: “There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State”, and Article 16 (2) provides:

“No citizen shall on grounds only of religion, race, caste, sex, place of birth or any of them, be ineligible for, or discriminated against in respect of any employment or office under the State”.

In Union Public Service Commission v. Girish Jayanti Lal Naghela and Others\(^\text{13}\) Court observed that Article 16 which find place in Part-III of the constitution relating to Fundamental Right provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under State. The main object of Article 16 is to create constitutional
right to equality of opportunity and employment in public office. Article 14, 15, 16 prohibit discrimination and accord equality.¹⁴

Thus it appears that the drafting committee of the constitution attached considerable importance to the dangers of discrimination which had been prevalent in the country for the centuries due to various reasons, B.R. Ambedkar, Chairman of the Drafting Committee in an explanatory note appended to the draft of this Article observed:

"That discrimination was a menace to be guarded against, if the Fundamental Rights were to be real. In country like India, where it was possible for discrimination to be practiced on a vast scale and in a relentless manner. Fundamental Rights could have no meaning unless provision was on the ground of race or creed or social status."²⁵

In spite of all these provisions discrimination on the ground of sex as well as on other grounds like caste, social origin and residence is practiced in the matters of employment as well as wages. Efforts have been made from time to time to minimize it by providing equal opportunity through various means and methods like reservation of jobs and relaxation in maximum age, etc., in public employments under Article 16 (4) for the scheduled caste and scheduled tribes and other backward classes.²⁶ Sometime the theory of sons of the soil, also creates hurdles in equal opportunity. Besides, in the field of wage, discrimination between men and women was practiced even under the Minimum Wages, Act 1948, on the ground that the work allotted to women workers was light or their output was less. Owing to age old low status of women, they were deprived of equal opportunity of development like education, training and skill etc., which ultimately resulted in low payment. Similar case was of workers from low castes and untouchables like scheduled castes and scheduled tribes. This practice made them prey of poverty and illiteracy, that was also as fatal as anything so far as equal opportunity for socio-economic progress is concerned. Indigenous and tribal population should also be protected from such discriminatory practices.

The Supreme Court has very rightly observed:

"The guarantee of equality before the law or the equal opportunity in the matters of employment is a guarantee of something more than what is required by formal equality. It implies differential treatment of persons who are unequal."²⁷
In the same spirit, the principle of equality and non discrimination has been internationally recognized as back as 1919 when the preamble of the International Labour Organization provided the principle of equal remuneration for work of equal value, for the first time, the Philadelphia Declaration of 1944 proclaimed that:

“All human beings, irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development in conditions of freedom, dignity of economic security and equal opportunity”.

The Universal Declaration of Human Rights a like French Declaration Article 1 of this Declaration says that

“All Human beings are born free and equal in dignity and rights” and Article 2 says:

“Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colours, sex or language, religion, political and other opinion national or social origin, property, birth or other status”.

Article 7 further says:

“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”.

The I.L.O. had mainly adopted two conventions which have got direct bearing upon it. They are the Equal Remuneration Convention (No. 100) of 1951 and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and it is important to note in the sphere of equality India has ratified both these conventions, former in 1958 and the later in 1960. Moreover India ratified Equality of Treatment (Accident Compensation) Convention 1925 in 1927 and the Equality of Treatment (Social Security) Convention, 1962 in 1964 which pertains mainly to migrant worker.

Thus, for eradication of discrimination toward achieving the right to equality, mere legal provision guaranteeing equality are inadequate until and unless some positive measures are taken for ensuring equal opportunity in fact, which is essential for the material well-being and spiritual advancement of every human
being, otherwise human rights would be in danger. Therefore, socio-economic inequalities must also be eliminated if right to equality is to be protected in the real sense.

However, for removal of inequality and discriminatory practices in the country, a massive attack shall have to be launched against poverty illiteracy, ignorance and unemployment. Then only Human Rights can be effectively protected and promoted.

Apart from the right of association, freedom from forced labour and right to equality, there are certain other rights which are concomitant of the human rights and the fundamental freedoms, which should not escape our attention. They are right to economic security and the right to dignity.

4. Right to economic security:

Right of economic security includes right to work, social security and right to minimum income. It is but natural that in the absence of these rights the above basic human rights can not be realized well. Specially in India, circumstances, where poverty is rampant, right to work is essential without which a man will not have minimum income and without that it becomes difficult for him to survive. Thus at a point his life may also be endangered in the absence of minimum means of subsistence. Looking to the importance of this matter, I.L.O. adopted the Minimum Wages fixing Machinery Convention (No. 26) as back as in 1928 which was ratified by India in 1955. Meanwhile, in 1948, the Minimum Wages Act was passed and enforced in India, but its application is limited and ineffective. In the case of *Bijoy Cotton Mills v. State of Ajmer.*\(^\text{18}\) The validity of the Minimum Wages Act was challenged as violative of Article 19 (1) (g), but the Supreme Court found it to be valid and the restrictions imposed by the Act on the freedom of trade and business were held not unreasonable within the meaning of Article 19 (6) of the constitution. The Supreme Court has protected the right to minimum income by saying that the payment of minimum wage is must and if any undertaking fails to do so, it has got no right to exist.

*In People's Union for Democratic Rights and Others v. Union of India, and Others.*\(^\text{19}\) Supreme Court observed that the contractors are, of course, liable to pay the minimum wage to the workmen employed by them but the Union of India, the Delhi Administration and the Delhi Development Authority who have entrusted
the construction work to the contractors would equally be responsible to ensure that the minimum wage is paid to the workmen by their contractors.

Court further observed that where a person provide labour or service to another for remuneration which is less than the minimum wage, the labour or service provide by him clearly falls within the scope and ambit of the word "forced labour" under Article 23.

In Sanjit Roy v. State of Rajasthan, the Supreme Court observed that every person who provides labour or service to another is entitled at the least to the minimum wage and if anything less than the minimum wage is paid to him he can complain of violation of his Fundamental Right under Article 23 and ask the Court to direct payment of the minimum wage to him so that the breach of Article 23 may be abated.

In Workman of Reptakos Brett & Co. Ltd. v. Management, the Supreme Court observed that employees are entitled to the minimum wages at all time and under all circumstances. An employer who cannot pay the minimum wage has no right to engage labour and no justification to run the industry.

In India the workers are generally found in the state of poverty, they do not have any property but their own labour. Thus their rights to work must be protected alike their property. The Universal Declaration of Human Rights provides that "everyone has the right to work" in the same spirit Article 41 of the Indian constitution says that "the state shall, within the limits of its economic capacity and development make effective provision for securing the right to work". Likewise, "The State shall endeavour to secure, by suitable legislation or economic organization or any other way, to all workers, agricultural, industrial or otherwise work, a living wage and conditions of work ensuring a decent standard of life." In Olga Tellis v. Bombay Municipal Corporation, The Court made a reference to the Directives contained in Article 39 (a) and 41 and said that the State might not, by affirmative action, be compellable to provide adequate means of livelihood or work to the citizen, but any person who was deprived of his right to livelihood except, according to just and fair procedure established by law, could challenge the deprivation as offending the "right to life" conferred by Article 21.

In a landmark judgment, in Delhi Development Horticulture Employee’s Union v. Delhi Administration, the Supreme Court has held that daily wages
workmen employed under the Jawahar Rozgar Yojna has no right of automatic 
regularization even though they have put in work for 240 or more days. The 
petitioners who were employed on daily wages in the Jawahar Rozgar Yojana filed 
a petition for their regular absorption as a regular employees in the Development 
Department of the Delhi Administration. They contended that right to life, includes 
the right to livelihood and therefore, right to work. The Court held that although 
broadly interpreted and as a necessary logical corollary, the right to life would 
include the right to livelihood and therefore right to work but this country has so 
far not found feasible to incorporate the right to livelihood as a Fundamental Right 
in the constitution. This is because the country has so far not attained the capacity 
to guarantee it, and not because it considers it any the less fundamental to life. 
Advisedly therefore it has been placed in the chapter on Directive Principles. 
Article 41 of which enjoins upon the State to make effective provision for securing 
the same within the limits of its economic capacity and development. The ruling of 
the Court is good as it would help in preventing back door entry in Government 
departments and public sector undertakings. The Court observed:

“A good deal of illegal employment market has developed resulting in a 
new source of corruption and frustration of those who are waiting at the 
employment exchanges for years. Not all those who gain such back door entry in 
the employment are in need of the particular jobs.”

*Air India Statutory Corporation and other v. United Labour Union and others.* In this case it was held that sRight to Work –is workmen’s means to 
development and source to earn livelihood –though not Fundamental Right, once 
person is appointed to post / office be it Govt. or Private the right has to be dealt 
with as per public element.

All essential facilities and opportunities to the poor people are fundamental 
means to development, to live with minimum comforts, food, shelter, clothing and 
health. Due to economic constraints, though right to work was not declared as 
Fundamental Right, right to work of workmen, lower class, middleclass and poor 
people is meant to development and source to earn livelihood.

Right to work has been deliberately kept, by the Founding Fathers, in 
Directive Principles chapter and hence made unenforceable because, they, in their
wisdom, realized that while it was their wish that everyone should be given employment, but the ground realities of our country could not be overlooked.2b

Various poverty alleviation schemes were launched to improve the quality of life of poor. Government of India introduced the concept of special component plan for the Scheduled Castes and Scheduled Tribes for ensuring their speedy development, since Scheduled Castes predominantly belong to the weaker sections of the society. They have few assets and are generally dependent on agriculture labour and other low income occupations. They mostly continue to pursue traditional occupations and are generally unable to avail themselves of the new employment opportunities generated through various economic development activities. As such it was necessary to have an overall perspective of the development of Scheduled Castes and Scheduled Tribes comprising economic, educational and social aspects and fulfillment of minimum needs.

The Ministry of Rural Development is implementing various schemes / programmes for providing avenues for employment to most disadvantage section of the society through special employment generation programmes and for improving the quality of life in rural areas. The Ministry has made specific provisions in the guidelines of the programmes being implemented to economic adequate flow of sources to the scheduled caste and schedule tribes. Some of these schemes are being discussed as below:

**Crash Scheme for Rural Employment (CSRE) 1971:**

It has been launched to take up projects of durable nature like minor irrigation, soil conservation, a forestation, land reclamation, anti-water, logging with a view to alleviate unemployment and under employment in rural areas.

**The Employment Guarantee Scheme (EGS) 1973:**

State of Maharastra started this scheme to provide employment to all adults in some of the least developed villages, especially during slack seasons. The scheme has been decline in participation in late years due to various reasons but with reallocation of EGS resources in favour of the poorest regions and appropriate changes in scheme design and implementation, the scheme would prove to be far reaching effect.
National Rural Employment Programme NREP (1980):

This is a restructured and renamed FWP. To provide gainful wage employment during period of seasonal and sporadic unemployment, to assist liberated bonded labour to secure minimum wages to agricultural workers, to play supportive role in IRDP and ADPs to create community assets, to strengthen rural infrastructure.

Rural Landless Employment Guarantee Programme (RLEG) 1983:

It is a programme to supplement NREP. It aimed at guaranteeing employment to at least one member of landless household up to 100 days in a year, with a focus on women, SC/ST. Wage employment programme in which a part of wages paid in form of subsidized food grain.

Indira Awaas Yojana (IAY) 1985-86:

IAY was launched during 1985-86 as a sub-scheme of rural landless employment guarantee programme RLEG and constitute as a Sub-scheme of Jawahar Rozgar Yojana (JRY) since its launching from April 1989. It has been delinked from JRY and has been an independent scheme with effect from January 1996. The Indira Awaas Yojana is being implemented at the National level with the objective of providing dwelling units free of cost to the people below poverty line living in rural areas mainly belonging to SCs/STs and free bonded labour and also the non-SC/ST.

Self-Employment Programme for Urban Poor (SEPUP) 1986-87:

Self-Employment Programme for Urban Poor has been launched to encourage families living below the poverty line in metropolitan, urban, semi-urban areas to undertake self-employment by providing subsidy and credit, in share of SC/ST beneficiaries was to be 30 percent in terms of number and amount.

Jawahar Rozgar Yojana (JRY) 1989:

Jawahar Rozgar Yojana is a poverty alleviation scheme which falls under the category of work program for creation of supplementary employment opportunities. JRY was formed in 1st April 1989 by amalgamating two wage employment programs viz National Rural Employment Programme (NREP) and Rural Employment Guarantee Program (REGP). JRY includes two sub-scheme programme Indra Awas Yojana (IAY) a housing programme and the Million Wells Schemes (MWS)
The JRY aims to alleviate poverty through creating supplementary employment opportunities for the rural poor during agricultural slack period and generation of additional gainful employment through the creation of economic infrastructure and community assets in the rural areas. It is a self targeting scheme and it offers a legitimate minimum wage for unskilled labour, which is generally lower than the prevailing market wage rates.

The scheme provides a means of livelihood to those people who are at critical levels of subsistence. For example, a person who is willing to do manual work for the offered wage could seek employment on these public work. Recently JRY is restructured, streamlined and made more comprehensive and has been named Jawahar Gram Samridhi Yojana (JGSY). JGSY has been launched on 1st April 1999 and the scheme is designed to improve the quality of life of poor.

The primary objective of the JGSY is the creation of demand driven community village infrastructure including assets at the village level and assets to enable the rural poor to increase the opportunities for sustained employment. The secondly objective is the generation of supplementary employment for the unemployed poor in the rural areas the wage employment under the programme shall be given to below poverty line (BPL), families.

**Nehru Rozgar Yojna (NRY) Scheme 1989:**

Nehru Rozgar Yojna (NRY) 1989 comprising with three components viz. the Scheme for Urban Micro Enterprises (SUME); the Scheme of Urban Wage Employment (SUWE); and the Scheme for Housing and Shelter Upgradation (SHASU).

While JRY is for rural areas; NRY is for urban areas, SUME provides subsidies and loans to urban underemployed and unemployed youth in order to train and upgrade technical and commercial skills, and to provide infrastructural support, for promoting self-employment among the youth with a focus or reservation for women and SC/ST youth; SUWE aims at providing wage employment to the urban poor through the creation of productive assets in the low income neighborhoods in towns with a population below one lakh, at minimum wages for unskilled workers and at market wages for the skilled workers. SHASU aims at skills upgradation of masons, carpenters, plumbers, sanitary workers, etc.
and at providing common infrastructural facilities to beneficiaries and machinery/equipment to training institutions in towns with population of 1 to 20 lakhs.

**Employment Assurance Scheme (EAS) 1993:**

The employment assurance scheme (EAS) was introduced w.e.f. 2 October 1993 in the rural areas of 1778 block of the country situated in drought prone areas, desert, tribal and extended to all the rural blocks of the country. Prior to 1.4.99 the scheme was a demand driven scheme, with effect from 1.4.99 become an allocation based scheme.

The primary objective of the EAS is to create additional employment opportunity during the period of acute shortage of wage employment through manual work for the rural poor living below poverty line. The secondary objective is the creation of durable community, social and economic assets for sustained employment and development. The scheme is open to all rural poor who are in need of wage employment.

**The National Social Assistance Programmes (NSAP) 1995:**

The National Social Assistance Programmes which came into effect from 15 August 1995 represent a significant step towards the fulfillment of Directive Principles 41 and 42 of the constitution recognizing concurrent responsibility of the Central and State Governments in the matters. It introduces a National Policy for social assistance benefit to poor household in the case of old age, death of primary bread winner and maternity. The programme has three components.

- National Family Benefit Scheme (NFBS)
- National Old Age Pension Scheme (NOAPS)
- National Maternity Benefit Scheme (NMBS)

**Swarna Jayanti Gram Swarojgar Yojana (SJGSY) 1999:**

The swarna Jayanti Gram Swarojgar Yojana (SJGSY) launched in April 1999 after restructuring the integrated Rural Development Programmes and allied schemes is the only self employment programme for the rural poor. This a holistic programme covering all aspects of self employment such as organization of the poor into self help groups, training, credit, technology infrastructure and marketing. SGSY is funded by the Centre and the State in ratio of 75:25.

The objective of SGSY is to bring the assisted poor families (Swarogaris) above the poverty line in 3 years by providing them income generating assets.
through mix of bank credit and Government subsidy up to November 2005. It would mean ensuring that the families has monthly net income of at least 2000/- subject to availability of fund Centre and State sharing the cost on 75:25 basis.

**Sampoorna Grameen Rozgar Yojana (SGRY) 2001:**

Sampoorna Grameen Rozgar Yojana has been launched w.e.f September 25, 2001 to provide wage employment in the rural areas. By merging the on-going scheme of (EAS) and the JGSY with the objective of providing additional wage employment and food security alongside creation of durable community assets in rural areas while the SGRY is open to all rural poor who are in need of wage employment. The programme is self-targeting in nature with provisions for special emphasis on women, scheduled castes, Scheduled tribes and parents of children withdrawn from hazardous occupations, while preference is given to BPL-families for providing wage employment.

**National Food for Work Programme (NFFWP) 2004:**

The NFFWP was launched as in November 2004 in the 150 most backward Districts to generate additional supplementary wage employment with food security.

**Credit cum Subsidy Scheme:**

Under this scheme of Rural Housing a minimum of 60% of the funds allocated as subsidy to each State, shall be utilized in financing the construction of houses for the Scheduled Caste and Scheduled Tribes and freed bonded labour.

**National Rural Employment Guarantee Scheme 2005:**

The NREG scheme 2005 provides enhancement of livelihood security, giving at least 100 days of guaranteed wage employment in every financial year to very household, whose adult members willing to do unskilled manual work, Panchayat at Distt., intermediate and village levels will be principal authorities for planning and implementation of the scheme. The new employment guarantee scheme provides an indispensable life lines to the millions of poor in the rural areas of the country, this social security measure for the first time make the right to work a Fundamental Right. A new radical deal for Indian’s poor.

**Bhoomi Seva Scheme 2005:**

The Uttar Pradesh Chief Minister Mulayam Singh Yadav launched Bhoomi Seva Scheme in October 2005. This scheme is aimed at accomplishing the twin
objectives of creating productive employment and utilizing the barren land for increasing agricultural growth. The scheme will guarantees a minimum 100 days employment to landless farmers and labourers, besides small and marginal farmers.

**Stri Shakti Scheme 2007:**

The Punjab Government in 2007 launched the ‘Mei Bhago Stri Shakti Scheme’ for uplifting the socio-economic standard of women in the State. Cooperative Minister Capt. Kanwaljit Singh inaugurated the scheme on the occasion of 54th All India Cooperative Week Celebration. He said that State Government was committed to empowerment of women. In this scheme the village primary cooperative agriculture service society would act as the leader in empowering women by opening training centre, offices providing work for them.

**Delhi Ladli Scheme 2008:**

Delhi Ladli Scheme 2008 introduced for the protection of the girl child, the scheme is aimed at enhancing the social status of girl child in society as well as in the family, ensuring proper education to make the girl child self reliant, ensuring the economic security and protecting her from discrimination and deprivation.

It can be said that various schemes have been launched for improving the life of poor. But conditions of poor more or less are same. It should not be forgotten that India is a developing country. Even today it has not reached to that stage of economic development wherein right to work may be guaranteed. It also a tragedy that inspite of so much progress in science and technology humanity has not yet been able to banish poverty from the world and provide employment to all those who seek it.

Besides, right to social security is also necessary concomitant of human rights, because in its absence, thereof again the human dignity is endangered. The working class is the community, which is in utmost need of the social security mainly because of their risky works, poverty, illiteracy and its other consequential evils. In the hey-day of old Indian joint family system the necessary elements of social security were present. But today the things are different.

Constitution of India offers protection and social security to all citizens of India. It is obvious that the workers including bonded laborers as much entitled to protection and welfare or social security as other citizens. Preamble of Indian constitution is the sole repository of social security measures and provides for
establishment of socialistic State. The principle aim of socialism is to eliminate inequality of income, status and to provide a decent standard of life to the working people. Further it is designed to secure, social, economic, political justice to all its citizens.

Right to life guaranteed under Article 21 includes within it’s ambit, “The right to social security and the protection of family”\(^\text{27}\).

Interpreting Article 39 (e) of the constitution of Indian vis-vis Article 25 (2) of the Universal Declaration of the Human Rights and Article 7 of the International Convention on Economic, Social and Cultural Rights 1966, Ramaswamy J. in Calcutta Electricity Supply Corporation India limited (C.E.S.C. limited) v. Subhas Chandra Bose\(^\text{28}\) held that the right to social and economic justice was a Fundamental Right. The learned judge explained that right to life and dignity of person and Status without means, were cosmetic rights. Socio-economic rights were, therefore, basic aspirations for meaningful right to life and that the right to social security and protection of the family were integral part of the right to life.

Reiterating with approval the above view in Regional Division. ESI Corporation v. Francis De Costa\(^\text{29}\) the Supreme Court held that security against sickness and disablement was a Fundamental Right under Article 15 of the Universal Declaration of Human Rights and Article 7(b) of International Convention on Economic, Social and Cultural Rights, and under Articles 39(e) and 21 of the constitution of India.

*In LIC of India v. Consumer Education and Research Center.*\(^\text{30}\) It has been held that the right to life and livelihood as interpreted in *Olga Tellis v. Bombay Municipal Corporation* and several other cases by this Court includes the right to life insurance policies of LIC of India and it must be within the paying capacity and means of the insured. The preamble, chapter on Fundamental Rights and Directive Principles accord right to livelihood as a meaningful life, social security and disablement benefits are integral scheme of social economic justice to the people, in particular to the middle class and lower middle class and all affordable people. Life insurance coverage is against disablement or in the event of death of the insured, economic support for the dependents, Social security to livelihood of the insured or the dependents. The appropriate life insurance policy with in the paying capacity and means of the insured to pay premia is one of the social
A security measure envisaged under the constitution to make right to life meaningful, worth living and right to livelihood a means for substance.

In *PUCL v. Union of India* 31 Court observed that people starving, ought to be provided with food by the State free of cost, out of surplus stock lying unused and rotting.

In S.K. Mastan Bee 32 case the Court observed that the right to family pension has, thus, been held to be forming part of right to life under Article 21.

In *Murlidar Dayandeo Keseker v. Vishwanath Pande Barde*, 33 It was held that right to economic empowerment of the poor, disadvantaged tribes and depressed and oppressed dalits, was a Fundamental Right to make their right to life and dignity of person meaningful and worth living. It was also held that socio-economic democracy was *sine qua non* to make political democracy, a truly participatory democracy and a truism for unity and integrity of Bharat.

In the instant case, certain land was allotted by the State Government to the respondent a tribal the respondent entered into an agreement with the appellate to sell the land to him and sought permission for alienation from the collector, which was refused. The action of the authorities refusing permission was held valid as inconsonance with the constitutional scheme in Part IV of the Directive Principles. 34

In *Felix Tamba v. State of Jharkhand and Others*, 35 In this case Court observed that economic empowerment to the poor Dalits and Tribes, is an integral constitutional scheme of social economic democracy and way of life of political democracy. Economic empowerment is therefore, a basic human right and a Fundamental Right as part of right to life, equality and of status and dignity to the poor, weaker sections, Dalits and Tribes.

A part from the constitutional mandate social security for all is considered as a basic human right under the Universal Declaration of Human Rights as Article 22 of the Universal Declaration of Human Rights envisages that: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort... and resources of each State... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality". Article 25 assures that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family including food.
clothing, housing and medical care and necessary social services, and the right to
security in the event of unemployment, sickness, disability, widowhood, old age or
other lack of livelihood in circumstances beyond his control". Similarly there are
the social, civil, economic and cultural rights given in European Convention.

The main and important convention on the subject was adopted by the
I.L.O. in 1952 i.e. the Social Security (Minimum Standards) Convention.

In India, first legislation on the subject was the Fatal Accidents Act, 1855
under which the heirs of a worker who died in industrial accidents could claim
compensation if it could be established that the accident was caused by the
personal negligence of the factory owner, which has not of much avail due to
ignorance, illiteracy and poverty of the dependents of the deceased workers. The
Workmen’s Compensation Act, 1923, maternity Benefit Act, 1929, the Employees
State Insurance Act, 1948, employees Provident Fund Act, 1952, the Central
Maternity Benefit Act, 1961, the Personal Injury (Compensation Insurance) Act
1963, National Rural Employment Guaranteed Act, 2005 and Unorganized
Workers Social Security Act, 2008 are the main relevant enactments which have
got support of the constitutional provisions also and which are providing social
security to the workmen in one way or the other. Besides, a few States have started
payment of old age and disablement pension, which ensures further the protection
of human beings from destitution rule, but it is not possible at this juncture due to
the financial stringency of the States. The provisions relating to lay-off and
retrenchment compensation as laid down in the Industrial Disputes Act, 1947 are
also significant measures towards social security. The success of social security
system may be possible by two ways- social insurance as suggested by the
Beveridge Report 1941 and Social Assistance, for a developing country like India,
at least at present social insurance is a remote possibility. Hence method of social
assistance, followed in various labour legislations, is the viable solution, which is
available on payment of requisite contributions or on the fulfillment of certain
conditions; social security is the fundamental in the social policy of a country. It
has been realized that at present the social security system of the country is
scattered and requires integration for its effectiveness. In 1969 the National
Commission on Labour has rightly pointed out that it should be possible over the
next few years to evolve integrated social security scheme which will, with some
marginal addition to the current rate of contribution take care of certain risks not covered at present.\textsuperscript{36}

\textit{National Commission on Labour (2002)}\textsuperscript{37} observed, "it is this integral relationship between employment, education and livelihood that has generated a considerable public opinion in favour of amending the constitution to include the right to work and the right to primary education as Fundamental Rights. Some commissions have recommended that the right to social security too, should be included in the Fundamental Rights. There are countries that regard social security as the inalienable right of the citizen. There are International and Inter-Governmental declarations like the Universal Declaration of Human Rights and the Covenant on Social, Economic and Cultural Rights which define social security as a human right or a Fundamental Right of the human being. Our Government is a signatory to many of these convention or declarations. We have therefore, indicated that we accept the right in principle, even though it is not specifically mentioned in our constitution, our commission too accepts the need to consider social security as a fundamental human right".\textsuperscript{38}

The commission further pointed out: "There is a view that the inclusion of the right to social security as a Fundamental Right will attract justifiability, and that they may result in creating financial and institutional burdens that we are not ready to bear at this point of time, taking this view too into consideration, we recommend that as a prelude to making social security a Fundamental Right. We should immediately incorporated it in the Directive Principles.\textsuperscript{39}

Whether it is accepted as a Fundamental Right or a Directive Principle, or even if the Status quo is maintained, the State cannot abdicate the responsibility to provide the minimum social security that is necessary to maintain the regime of law and order and to protect society from the chaos and disintegration that will follow if there is a wide spread feeling that the State and the system it represents are incapable of, and unconcerned with, providing elementary security to the citizen. The State cannot wash its hands off this responsibility and hope to survive for long. We therefore, believe that even if the State is not in a position to provide social security in all its amplitude as it may have to do when it becomes a Fundamental Rights, it must provide at least that basic minimum necessary for the survival of its citizens. We therefore, recommend a system in which the State bears
the responsibility for providing and ensuring an elementary or basic level of security, and leaves room for partly or wholly contributory schemes. This will mean that the responsibility to provide a food will be primarily that of the State, and it will be left to individual citizens to acquire higher levels of security through assumption of responsibility and contributory participation. Such a system will temper and minimize the responsibility of the State and maximize the role and share of individual and group responsibility.\textsuperscript{40}

In the long run it can be said that despite of all these mentioned social security and economic laws there are number of bonded laboures who are leading life worst than animals and are in dire need of economic security. But due to illiteracy and ignorance they are deprived of all rights for which they are entitled under labour laws designed for the welfare of workman and they can not wage legal battle against the violation of these rights due to their socially and economically weak conditions. If humanity is to be saved from the uncertainty of economic security, then some viable, suitable and practicable measures shall have to be taken.

5. Right to dignity:

Dignity is a social phenomenon. It is only the society, which confers dignity on the individual, and can take it away. In the ordinary sense, it is nothing but the reputation a person enjoys in the society. A persons is said to suffer indignity, if others treat him only as a subject or object. Life is meaningless without dignity.

The practice of employing bonded labourers has been one of the worst forms of abuse of human rights. They are treated as animals under this system they are deprived of their right to dignity and are unable to live a life of human being, they become mere a play thing in the hands of few socially and economically powerful and privileged persons of society. Bonded labourers have right to live with dignity because of their natural being and enjoy the rights which are granted for the human being under the National and International laws.

The preamble of the Universal Declaration of Human Rights recognizes the dignity as inherent in the human family and as foundation of freedom, justice and peace in the world. Art 1 is fundamental which says;
“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood spirit of humanity, equality and brotherhood is basic in all human rights including human dignity”.

The I.L.O. has long been striving for the improvement in the conditions of work and life of workers and their families in order to attain a level as close as possible to that consistent with human dignity I.L.O. action in this field is designed to achieve the realization of the right of every one to the continuous improvement of living conditions, which is recognized by the International Covenant on Economic, Social and Cultural Rights, 1966, which came into force in 1976 and thereafter ratified by India. Broadly speaking, the standards adopted by the I.L.O. cover, in the form of conventions and recommendations or both, all of the rights in this field embodied in Covenant on Economic, Social and Cultural Rights.

The Right to dignity includes the right to adequate conditions of work and life, which further cover right to work and leisure, right to preservation of the physical integrity including occupational safety and health, right to an adequate remuneration etc. Adequate housing and welfare facilities are also essential to the realization of the right to living conditions compatible with human dignity. Further, technological and scientific progress in recent years has been such as to identify new hazards, sometimes sufficiently far reaching in their implication to be capable of transformation a minor incident into a disaster, thus, measures for the prevention of atmosphere pollution in work places and excessive noise are among those which need to be given priority in this respect. To take a more ‘human view’ of the needs of the worker and his family cannot be beneficial to the economy itself. The opinion has ever been expressed that the progress made as regards well-being and dignity may in the long run be decisive factors in the development of nations and in any event this value in ensuring the action and willing participation of the population in the efforts of national construction in the developing countries is beyond question.

The Preamble of the constitution of India embodies certain human values cherished principles, recognizes and upholds the dignity of man. It considers individual as a focal point of all development and regards his material, moral and spiritual development as the chief concern of its several provisions. It points out
the ideological aspiration to secure the political, social and economic justice to all the citizens. Dignity of individual is also protected under Article 21 of Indian constitution. As per Article 21 every person has right to live with human dignity.

Thus in Maneka Gandhi’s case the Court gave a new dimension to Article 21. It held that right to ‘live’ is not merely confined to physical existence but it includes within its ambit the right to live with human dignity. Elaborating the same view the Court in Francis Coralie v. Union Territory of Delhi said that the right to live is not restricted to mere animal existence. It means something more than just physical survival. The right to ‘live’ is not confined to the protection of any faculty or limbs through which life is enjoyed or the soul communicates with the outside world but it also includes ‘the right to live with human dignity’ and all that goes along with it, namely, the bare necessities of life such as, adequate nutrition, clothing and shelter and facilities for reading, writing and expressing ourselves in diverse forms, freely moving about and mixing and commingling with fellow human being.

Following Maneka Gandhi and Francis Coralie cases the Supreme Court in People’s Union for Democratic Rights v. Union of India held that non-payment of minimum wages to the workers employed in various Asaid projects in Delhi was a denial to them of their right to live with basic human dignity and violative of Article 21 of the constitution. Bhagwati J (as he then was) speaking for the majority held that the rights and benefits conferred on the workmen employed by a contractor under various labour laws are “clearly intended to ensure basic human dignity to workmen and if the workmen are deprived of any of these rights and benefits, that would clearly be a violation of Article 21” He held that the non-implementation by the private contractors and non enforcement by the State authorities of the provisions of various labour laws violated the Fundamental Rights of workers “to live with human dignity”.

In Bandhua Mukti Morcha v. Union of India where the question of bondage and rehabilitation of some labourers was involved (Bhagwati, J. observed):

“It is the Fundamental Right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State
Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at least, therefore, it must include protection of health and strength of the workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity, and no State... has the right to take any action which will deprive a person of the enjoyment of these basic essential.

In Sunil v. Delhi Admn, the Court observed that right to live means something more than mere animal existence and includes the right to live consistently with human dignity and decency.

In Vikram Deo Singh Tomar v. State of Bihar, the Court emphasized on the right to live with human dignity and said that while interpreting Article 21, it had been demonstrated that every person was entitled to a quality of life consistent with human personality.

In Hinch Lal Tiwari v. Kamala Devi, it was held that material resources of the community like forest, tanks, ponds, hill rock, mountains etc. are natural bounty. They maintain dedicate economical balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is essence of the guaranteed right under Article 21 of the constitution.

The right to life is, thus held to include the right to food, clothing and shelter, reasonable accommodation to live, the right to decent environment and also the right to live in a clean city.

In A.K. Bindal and Another v. Union of India and Others, The Supreme Court held that Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. The scope and content of this Article has been expanded by judicial decisions. Right to life enshrine in this Article means, something more than survival or animal existence. It would include right to live with human dignity.

In M. Nagaraj and others v. Union of India and Others, Supreme Court observed that the expression life in Article 21 does not connote merely physical or animal existence, the right to life includes to live with human dignity. Court further stated that it is the duty of State not only to protect the human dignity but to
facilitate it by taking the positive steps in that direction. No exact definition of human dignity exists it refers to the intrinsic values of every human being which is to be respected. It can not be taken away.

In *Smt. Saraswati & Ans v. State of Rajasthan and Others*\(^5^2\) in this case Rajasthan High Court held that right to education provided for in Article 41 of the constitution being Directive Principle of the State Policy is supplementary to Article 21 of the constitution. Leading with right to life because right to life includes to lives with human dignity including by getting appropriate education within the parameter of economic capacity and development.

*State of West Bengal v. Committee for Protection of Democratic Rights*\(^5^3\) in this case Court held that Article 21 is one of the Fundamental Right enshrined in Part-III of the constitution declares that no person shall be deprived of the life or person liberty except according to the procedure established by law. It is triles that the words life and personal liberty are used in the Article as compendious terms to include within themselves all varieties of life which go to make up the personal liberties of a man and not merely the right to the continuance of person’s animal existence. All those aspects of life which make a person live with human dignity are included within the meaning of word ‘life’.

Article 21 provides for right to life to every citizen of this country generally and to the bonded labourers particularly, as *Bandhua Mukhti Morcha v. Union of India*\(^5^4\) and *Neeraja Chaudhary*\(^5^5\) cases make this point clear. These decisions unequivocally condemned the callous attitude on the part of the State in rehabilitating the bonded labourer in the country. The Supreme Court laid emphasis on the important of the freed labourers and maintained that the State Government must evolved effective programmes for their rehabilitation.

The decision of the Apex Court in *Bandhua Mukti Morcha* recognized the right of the bonded labourers to live with basic human dignity. The Court derived this right from Article 21 which is a sanctuary of human values after the much celebrated decisions of the Supreme Court in *Maneka Gandhi case*\(^5^6\) the Court in *Bandhua Mukti Morcha* read the Directive Principles into Article 21 of the constitution to make the right to live with human dignity meaningful to the working class of the country. In *Neeraja Chaudhary* Case the Court went a step forward it observed: “it is the plainest requirement of Article 21 and 23 of the
The provisions contained in Chapter III and IV are directly or indirectly concerned with the dignity of man, right to equality, abolition of discrimination and untouchability, protection of life and personal liberty and right against exploitation including prohibition of 'begar' and forced labour are consistent with human dignity. Article 42 provides for securing just and human conditions of work and Article 43 for securing conditions of work and ensuring decent standard of life and full enjoyment of leisure, likewise under Article 39 the State has in particular to direct its policy towards securing to citizens the right to an adequate means to livelihood, securing the health and strength of workers and securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Towards fulfillment of these social goals various labour enactments. International Employment Order Act, 1946, Factory Act, 1948, Plantation Labour Act 1951, The Mine Act, 1961, the Motor Transport Workers Act, 1961 etc. contain the necessary provisions relating to hours of work, rest and leisure, houses, health, safety, welfare and other essential working conditions.

Finally for protection of human dignity availability of legal remedies in case of wrong done is essential. Indian constitution also provides for them. If people are to be able to defend themselves when they consider they have been wronged and to advance their interest when they consider they are being neglected human beings must individually or collectively, enjoy a minimum degree of protection against arbitrary acts and have the opportunity of making their voice heard. A number of national instruments provide for procedure to be followed when the individual rights are denied, Minimum Wages, Payment of Wages, Social Security; and Termination of Employment without valid reason. The Provisions of
Industrial Disputes Act, 1947, the Employees (Standing Order) Act, 1946 grievances procedure and unfair labour practices under the code of discipline and communication within industry play a very significant role in protection of human dignity.

In the long run it can be said that there is no need of more legislation on the subject in India except murandis amendments, wherever necessary. The main problem is of their effective implementation for which enforcement machineries are required to be given teeth and they are also supposed to work sincerely keeping in view national interests and human values. Besides, worker’s education and vocational training programme be introduced at grass-root level, particularly in rural areas to enable rural workers to become more organized, educated, skilled and competent for collective bargaining. This will certainly make workers competent for collective bargaining. This will certainly make workers competent to safeguard their interests and rights and maintain human dignity. The problems of poverty, population and unemployment be tackled at priority basis and men while in seeking justice, the sweated unorganized and poor labourers particularly rural and agricultural labourers should be provided free legal aid such measure will certainly help in protecting and promoting human rights and fundamental freedom in the country.
Notes and references

1. Article 29 (1) 23 (4).
3. Ibid.
4. Ibid.
13. 2006 (2) SC J 207.
19. Supra note 11.
22. Article 43.
38. Id., at 785.
39. Ibid.
40. Ibid.
42. A.I.R. 1978 SC 597
45. Id., at 811.
52. A.I.R. 2009 (NOC) 1827 Rajasthan.
53. (2010) 3 SSC, 571, para 68
54. *Supra* note 44.