



Legal Measures for Poverty Alleviation in India: A Study

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Abstract

Poverty is a state of an individual, a family or a society where people are unable to fulfill even their basic necessities of life. When a substantial segment of a society is deprived of the minimum level of living and continues at a bare subsistence level, that society is said to be plagued with mass poverty. The problem of poverty and unemployment is considered as the biggest challenge to development planning in India. India as a welfare State is committed to the development of its people. The Constitutional responsibility is reflected via legislations and development policies. Various laws have been enacted to reduce poverty- some of them directly deal with it and some of them indirectly such as provisions enshrined under the Constitution of India, 1950, the Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1973, the Legal Services Authorities Act, 1987, the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, the National Food Security Act, (NFSA) 2013 etc. Several poverty alleviation programmes have also been in place for a long time now. The programmes and schemes have been modified, consolidated, expanded and improved over time. The targeted programmes fall into four broad categories: (i) self-employment programmes, (ii) wage employment programmes, (iii) direct cash transfers to the targeted groups and (iv) public distribution system. Indian judiciary has also intervened and interpreted various facets of poverty in various landmark cases and issued guidelines from time to time for protecting concerns of poor people, implementation of various laws and policies. This paper is an attempt to analyse various laws and governments schemes for poverty alleviation in India. This paper also highlights numerous issues with the laws and governments schemes and put forth feasible suggestions for the same.

Keywords: Poverty, Poor People, Indigent Persons, Destitute, Human Rights, Constitutional Rights

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1. Introduction

Poverty reduction has been one of the major goals of development planning since independence and the planning process has been sensitive to the needs of the poor. Accordingly, the development efforts have been directed in creating adequate livelihoods and provision of services for a better quality of life for the poor. It is recognised that poverty is an outcome of multiple deprivations and it is not simply a matter of inadequate income but also a matter of low literacy, short life expectation and lack of basic needs such as drinking water. Since these deprivations are inter-related, a comprehensive approach alone can eliminate poverty and ensure optimal utilization of human resources for sustainable development. Thus, multi-pronged and convergent approaches with proper targeting are deemed essential for elimination of poverty. It is also recognized that poverty is not only an economic phenomenon but also a social one. Well-designed poverty alleviation programmes, if effectively implemented, not only supplement the poverty reducing effects of growth but also could promote pro-poor growth.¹

Ordinarily, poverty is defined as lack of income to acquire the minimum necessities of life. It is cut-off point which distinguishes the poor from non-poor. Poverty is not static, it is a socio-economic phenomenon in a given society which varies between countries at a moment of time and for the same country over the period of time. It is social determinant, because it depends substantially on the structure of class and family as well as attitudes and values which render it undesirable. It is regarded as both condition of economic inefficiency and condition of social but political exclusion. In India, 'poor' have been defined as those living below a basic minimum

¹ Government of India, Report: *Committee on Credit Related Issues Under SGSY* (Ministry of Rural Development, 2009), available at: https://aajeevika.gov.in/sites/default/files/rti_compliance_documents/Prof-R-Krishna-Report-on-Credit-related-issues-under-SGSY.pdf (Visited on April 20, 2020).

level of consumption.² The poor have the following predominantly features—

- a) Landless agricultural workers, attached/casual employed during July-December.
- b) Non-Agricultural workers—Village artisans, craftsmen who live exclusively on their labour.
- c) Small farmers and land operators—Share croppers
- d) Members of Tribal groups who are not sufficiently in the stream line of the production process.

Thus, poverty means that various economic, social and political needs of certain social groups are not satisfied or are inadequately satisfied.³

According to World Bank, India accounted for world's largest number of poor people in 2012 using revised methodology to measure poverty, reflecting its massive population. However, in terms of percentage, it scored fairly lower than other countries holding large poor populations. In July 2018, World Poverty Clock, a Vienna-based think tank, reported that a minimal of 5.3% or 70.6 million Indians living in extreme poverty compared to 44% or 87 million Nigerians. Although India is expected to meet United Nation's Sustainable Development Goals on extreme poverty in due time, a very large share of its population lives on less than \$3.2 a day, putting country safely into category of lower middle income economies. In contrast, the international poverty line as updated in October 2015 by the World Bank stands at US\$1.90 per day. In 2011, 21.2% of the total population in India was estimated to be living below this poverty line, as per the World Bank data. India is home to over one-third of poor people in the world. If we add the poor of Pakistan and Bangladesh into it, we find that almost half of world.⁴

²S.B. Verma, R.D. Singh and S.K. Jiloka, *Rural Poverty Alleviation and Employment* x (Deep and Deep Publications Pvt. Ltd., New Delhi, 2006).

³*Ibid.*

⁴Available at: <https://www.worldbank.org/en/topic/poverty> (Visited on July 3, 2019).

Eradication of poverty remains a major challenge of planned economic development. Experiences of different states with economic growth and poverty reduction have been so varied that it is difficult to offer any general policy prescription. There are states that followed the path of high agricultural growth and succeeded in reducing poverty (Punjab and Haryana) and states that focused on human resource development and reduced poverty (Kerala). There have been states that implemented land reforms with vigour, empowered the panchayats, mobilised the poor and implemented poverty-alleviation programmes effectively (West Bengal) and states that brought about reduction in poverty by direct public intervention in the form of public distribution of food grains (Andhra Pradesh).⁵

2. Indian Legal Efforts for Poverty Reduction

India as a welfare state is committed to the development of its people. The Constitutional responsibility is reflected *via* legislations and development policies. It is realised that a collaborative measure of emphasis on accelerated growth and direct interventionist-safety net procedure is the proper approach to optimize the control strategies. Furthermore, it needs to be ensured that the institutions executing these measures complement the policy stance. States have the primary responsibility to create the enabling environment in which all people can enjoy their human rights, and have the obligation to ensure that respect for human rights norms and principles is integrated into all levels of governance and policymaking. The principle of accountability is essential for securing an enabling environment for development. Human rights do not simply define the needs of people, but recognize people as active subjects and claim-holders, thus establishing the duties and obligations of those responsible for ensuring that the needs are met. As a consequence, the identification of duty-holders has to

⁵Available at:
<https://niti.gov.in/planningcommission.gov.in/docs/plans/mta/mta-9702/mta-ch6.pdf> (Visited on May 1, 2020).

feature as an integral part of programme development. Various laws have been enacted to reduce poverty, some of them are directly deal with it and some of them are indirectly.

(a) The Constitution of India, 1950

The concern for the poor is reflected in the various provisions of the Constitution of India. The Preamble, Fundamental Rights, Directive Principles of State Policy and other provisions could be perused in this regard.⁶ The Preamble of the Constitution of India resolved to secure to all its citizens justice; social, economic and political and equality of status and of opportunities. The Constitution states that State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.⁷ The Constitution also provides the fundamental rights including the protection of life and personal liberty.⁸ The State shall secure that operation of legal system promotes justice, on a basis of equal opportunity and shall in particular provide free legal aid, by suitable legislation or schemes or in other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.⁹

(b) The Code of Civil Procedure, 1908

The Code of Civil Procedure protects the bonafide claims of indigent persons. It deals with suits by indigent persons, defense by an indigent person as well as free legal services to indigent persons. The Code exempt indigent person or his dependent to pay court fee for filing suit and assign a pleader, where he is not represented by a pleader.¹⁰ The free legal aid will be provided in case of appeal by any indigent person.¹¹

⁶ Maj.Gen. Nilendra Kumar and Kush Chaturvedi, *Textbook on Law, Poverty and Development* 14 (Lexis-Nexis, Gurgaon, 2nd Edition, 2016).

⁷The Constitution of India, 1950, article 14.

⁸*Id.*, article 21.

⁹*Id.*, article 39 A.

¹⁰ The Code of Civil Procedure, order XXXIII.

¹¹*Id.*, order XLIV.

(c) The Advocates Act, 1961

The Advocates Act¹² assign functions to the Bar Council of India to provide legal aid or advice to the poor in accordance with the rules made in this behalf. This Act also assign State Bar Council to organise legal aid in the prescribed manner.¹³

(d) The Code of Criminal Procedure, 1973

The punitive arm of the legal order is criminal law. It effects the life and liberty of human being. Therefore, special attention is to be given at the time of administration of criminal law. Justice Krishna Iyer rightly mentioned that to sensitise the criminal process to the wavelength of the poor is the strategy.¹⁴ The legal process without legal aid to the poor may be a guarantee of anarchy and not of order. To hands and feet, we need efficient means and method to carry out justice in every case in the shortest possible time and the lowest possible cost.¹⁵ The Code of Criminal Procedure provides a pleader to the accused who has not sufficient means for his defence at the expense of the State. The Code also empowered High Court to provide facilities to such pleader for the defence of such accused.¹⁶ It also provides for release of an indigent accused person on executing a personal bond instead of taking bail, if he is unable to furnish surety.¹⁷

(e) The Legal Services Authorities Act, 1987

The main objective of this Act¹⁸ is to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The authorities were constituted at national,

¹² Act No. 25 of 1961.

¹³ The Advocate Act, 1961, section 7 (1) (ib) and 6 (1) (eee).

¹⁴ Krishna Iyer, *Of Law and Life* 136 (Vikash Publishing House, Sahibabad, 1971).

¹⁵ Krishna Iyer, *Social Mission of Law* 104 (Orient Longman, New Delhi, 1976).

¹⁶ The Code of Criminal Procedure, section 304.

¹⁷ *Id.*, chapter XXXIII.

¹⁸ Act No. 39 of 1987.

state and district level i.e. National Legal Service Authority, State Legal Service Authority and District Legal Service Authority.¹⁹

(f) The Mahatma Gandhi National Rural Employment Guarantee Act, 2005

This Act was introduced with an aim of improving the purchasing power of the rural people, primarily to provide semi or unskilled work to people living below poverty line in rural India. This Act provides a guarantee for one hundred days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work at the statutory minimum wage.²⁰ Under this Act, if an applicant is not provided employment within 15 days, he or she will be entitled to a daily unemployment allowance. The scheme was launched in 2006-07 in 200 selected districts and gradually extended to the whole country by 2008-09.²¹

(g) The National Food Security Act, (NFSA) 2013

The enactment of the National Food Security Act, (NFSA) 2013 on July 5, 2013 marks a paradigm shift in the approach to food security from welfare to rights based approach. The Act legally entitles up to 75% of the rural population and 50% of the urban population to receive subsidized food grains under Targeted Public Distribution System. About two thirds of the population therefore is covered under the Act to receive highly subsidised food grains. The National Food Security Act, (NFSA) 2013 is being implemented in all the States/UTs, on an all India basis. Out of maximum coverage of 81.35 crore, around 80 crore persons have been covered under NFSA at present for receiving highly subsidized food grains. The identification of beneficiaries by States/UTs is a continuous process, which involves exclusion of ineligible/fake/duplicate ration cards and also exclusion on account of death, migration etc. and inclusion

¹⁹ S.S. Sharma, *Legal Aid to the Poor* 104 (Deep & Deep Publications, New Delhi, 1993).

²⁰ Sudhir Vaidya, *National Rural Employment Guarantee Act (NREGA): With Schemes and Guidelines* 3 (Arise Publishers & Distributors, New Delhi, 1st Edition, 2009).

²¹ Act No. 42 of 2005.

on account of birth as also that of genuine left-out households.²² The Act provides for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity. The Act also contains provisions for nutritional support to pregnant women and lactating mothers and children up to 14 years of age.²³

3. Anti-Poverty Programmes: National Level

Central and state governments since independence, particularly after the 1970s, have introduced a large number of programmes for poverty alleviation and employment generation for the poor like the Integrated Rural Development Project (1978-79), National Rural Employment Programme (NREP), Rural Landless Employment Guarantee Programme (RLEGP, 1983), Jawahar Rojgar Yojna, Swarnajayanti Gram Swarajgar Yojna (SGSY, 1999), Sampoorna Grameen Rojgar Yojna (SGRY, 2001), Indira Awas Yojna (IAY, 1985), Public Distribution System (PDS), Mahatma Gandhi National Rural Employment Guarantee Act, 2005, the Sarva Sikhsha Abhiyan, Mid Day Meal Programme, Bharat Nirman etc. Different Ministries and Departments of Government of India design and implement policies and programmes for rural and urban poor. A brief description of programmes for rural and urban poor is given as under:

(a) Integrated Rural Development Project, (1978-79)

The Integrated Rural Development Programme (IRDP) was launched in 1978-79 in order to deal with the dimensions of rural poverty in the country. The programme covered small and marginal farmers, agricultural workers, landless labourers, rural craftsmen and artisans and virtually all the families of about 5 persons with an annual income level below 3500. The main aim of IRDP was to raise the levels of the BPL families in the rural areas above the poverty

²²Available at: <https://dfpd.gov.in/nfsa-act.htm> (Visited on April 4, 2020).

²³ Government of India, Report: *Annual Report 2019-20* (Ministry of Consumer Affairs, Food & Public Distribution, 2019-20), available at: <https://dfpd.gov.in/E-Book/examples/pdf/AnnualReport.html?PTH=/1sGbO2W68mUlunCgKmpnLF5WHm/Ar2020.pdf#book/3> (Visited on April 9, 2020).

line on a lasting basis by giving them income generating assets and access to credit and other inputs. Both in terms of the volume of aggregate investment planned and the number of families to be benefitted, the IRDP was the largest programme of the Sixth Five Year Plan for the alleviation of poverty in rural areas.²⁴

(b) National Rural Employment Programme (NREP), 1980

The National Rural Employment Programme (NREP) was launched in 1980 with a view to significantly increase employment opportunities in rural areas. This was viewed as a major step towards poverty alleviation. The NREP replaced the food for work (FFW) programme. In all works under NREP, preference was given to landless labour. Among landless labour, preference was given to SC's/ST's for employment. Main provisions relating to works under NREP was that it was not permitted to engage contractors. Wages were paid partly in cash and partly in food grain 1-2 kg/day/head. NREP was a centrally sponsored programme with equal sharing of the expenditure by the centre and the states. NREP provide training to the personnel in the implementation of the programme.²⁵

(c) Indira Awas Yojna (IAY, 1985)

Indira Awaas Yojana (IAY) was launched during 1985-86 as a sub-scheme of Rural Landless Employment Guarantee Programme (RLEGP) and continued as a sub-scheme of Jawahar Rozgar Yojana (JRY) since its launching from April, 1989. It has been delinked from the Jawahar Rozgar Yojana (JRY) and has been made an independent scheme with effect from January 1, 1996.²⁶ Indira Awaas Yojana is essentially a public housing scheme for the houseless poor families and those living in dilapidated and kutcha houses with a component for providing house sites to the landless

²⁴Available at:
<https://niti.gov.in/planningcommission.gov.in/docs/reports/peoreport/cmpdmpeo/volume1/134.pdf> (Visited on April 22, 2020).

²⁵Available at:
<http://ecoursesonline.iasri.res.in/mod/page/view.php?id=15355>
 (Visited on April 29, 2020).

²⁶Indira AwasYojna (IAY, 1985), available at:
<http://megcnrd.gov.in/forms/IAY.pdf> (Visited on April 30, 2020).

poor as well. The scheme is designed to enable Below Poverty Line (BPL) households identified by the community through Gram Sabhas following criteria suggested for such identification from time to time, to build their houses or get house sites with financial and technical assistance from the Government. IAY house has to be 'pucca' in the sense that it should be able to withstand normal wear and tear due to usage and natural forces including climatic conditions, with reasonable maintenance, for at least 30 years.²⁷

(d) Jawahar RojgarYojna, 1989

Being the birth centenary of Late Prime Minister, Pandit Jawaharlal Nehru, a new scheme namely "Jawahar Rozgar Yojana" (JRY) was announced in the parliament by then Prime Minister Mr. Rajiv Gandhi in April, 1989. This is a modified version of the rural employment programme. Jawaharlal Nehru thought that our first national duty is to work for the elimination of poverty. He also thought that the greatest national endeavour is to mitigate the distress of the unemployed and underemployed masses of rural India. Jawahar Rojgar Yojana to provide an assured rozgar or employment to at least one member of every family living below poverty line in the rural areas for 50 to 100 days in a year under this programme. The existing rural employment schemes such as NREP/RLEGP merged into this scheme. It aims at reaching every single panchayat and on an average, every Panchayat will get Rs. 80,000 to Rs.1,00,000 in a year under this programme. Further, 30 per cent of the employment generated under this programme will be reserved for women.²⁸

(e) National Social Assistance Programme, 1995

The National Social Assistance Programme (NSAP) was introduced as a 100 per cent Centrally Sponsored Scheme on 15th August 1995. It has three components: namely (i) National Old Age Pension

²⁷ Jawahar RojgarYojna, 1989, available at: <https://pmayg.nic.in/netiay/IAY%20revised%20guidelines%20july%202013.pdf> (Visited on May 2, 2020).

²⁸ Employment News, October 14, 1989, available at: https://shodhganga.inflibnet.ac.in/bitstream/10603/86920/14/14_chapter%204.pdf (Visited on March 22, 2020).

Scheme (NOAPS), (ii) National Family Benefit Scheme (NFBS) and (iii) National Maternity Benefit Scheme (NMBS). The programme represents a significant step towards fulfilment of the Directive Principles in Articles 41 and 42 of the Constitution.²⁹

(f) Swarnajayanti Gram Swarozgar Yojna (SGSY, 1999)

Swarnajayanti Gram Swarozgar Yojana (SGSY) was introduced by the Ministry of Rural Development to assist the poor families living below the poverty line in rural areas for taking up self-employment. The scheme is funded by the Central Government.³⁰ In April 1999, the Integrated Rural Development Programme (IRDP) was restructured and combined with Training of Rural Youth for Self-Employment (TRYSEM), Supply of Improved Tools for Rural Artisans (SITRA), Ganga Kalyan Yojana, Million Wells Scheme (MWS) and Development of Women and Children in Rural Areas (DWCRA), and a single self-employment programme known as Swarnajayanti Gram Swarozgar Yojana (SGSY) was put in place. The basic objective of SGSY is to bring the assisted poor families above poverty line by providing them income-generating assets through bank credit and government subsidy. Formation of organizations of the poor at the grassroots level through a process of social mobilization for poverty reduction is central to the programme.³¹

(g) Sampoorna Grameen Rozgar Yojna (SGRY, 2001)

The Sampoorna Grameen Rozgar Yojana (SGRY) was launched on 25th September 2001 by merging the on-going schemes of Jawahar Gram Samridhi Yojana (JGSY) and Employment Assurance Scheme

²⁹ National Social Assistance Programme, 1995, available at: <https://niti.gov.in/planningcommission.gov.in/docs/plans/mta/mta-9702/mta-ch6.pdf> (Visited on May 1, 2020).

³⁰ Swarnajayanti Gram Swarozgar Yojna (SGSY, 1999), available at: <https://www.india.gov.in/topics/rural/rural-employment> (Visited on April 12, 2020).

³¹ Government of India, Report: *Committee on Credit Related Issues Under SGSY* (Ministry of Rural Development, 2009), available at : https://aajeevika.gov.in/sites/default/files/rti_compliance_documents/Prof-R-Krishna-Report-on-Credit-related-issues-under-SGSY.pdf (Visited on April 1, 2020).

(EAS). The objectives of the Programme were to provide additional wage employment in the rural areas as also food security, alongside the creation of durable community, social and economic infrastructure in the rural areas. The programme is self-targetting in nature with special emphasis to provide Wage Employment to women, scheduled castes, scheduled tribes and parents of children withdrawn from hazardous occupations. The scheme was exclusively implemented by the Panchayati Raj Institutions (PRIs). Programme was implemented in two streams till 2003-04.³²

(h) Public Distribution System (PDS)

Public Distribution System (PDS) was started to manage food supplies during scarcity has evolved as a system for distribution of food grains at affordable prices. Public Distribution System (PDS) is supplemental in nature and is not intended to make available the entire requirement of any of the commodities distributed under it to a household or a section of the society. Until 1997, the Public Distribution System was universal in nature, however, the Government introduced “Targeted Public Distribution System” (TPDS) with effect from June, 1997 to focus on poor. The coverage was linked to poverty estimates under two categories, namely, below poverty line (BPL) and above poverty line (APL)³³.

(i) Mid Day Meal Programme

Education and learning depend on good nutrition and health. Under nutrition continues to be a widespread problem in India, despite significant improvement in food production and advancement in science since Indian independence. The National and the State governments have been implementing a number of poverty

³²Government of India, Annual Report: *Bharat Nirman through Rural Development* (Ministry of Rural Development, 2006-2007), available at: https://rural.nic.in/sites/default/files/annualreport0607_eng_1.pdf (Visited on April 5, 2020).

³³ Government of India, Report: *Annual Report 2019-20* (Ministry of Consumer Affairs, Food & Public Distribution, 2019-20), available at: <https://dfpd.gov.in/E-Book/examples/pdf/AnnualReport.html?PTH=/1sGbO2W68mUlunCgKmpnLF5WHm/Ar2020.pdf#book/3> (Visited on April 9, 2020).

alleviation programmes for the overall socio-economic development of the community and several nutrition programmes to mitigate the sufferings of the vast multitudes of the population at risk. Poor nutrition and health among schoolchildren contributes to the inefficiency of the educational system. Children with diminished cognitive abilities and sensory impairments naturally perform less well and are more likely to repeat grades and to drop out of school than children who are not impaired; they also enroll in school at a later age, if at all, and finish fewer years of schooling. The irregular school attendance of malnourished and unhealthy children is one of the key factors in poor performance. Even short-term hunger, common in children who are not fed before going to school, can have an adverse effect on learning. Children who are hungry have more difficulty concentrating and performing complex tasks, even if otherwise well nourished. The Government of India's National Nutrition Policy, apart from setting nutrition goals to control and prevent malnutrition in the country started National Programme of Nutritional Support to Primary Education (NP-NSPE) commonly known as the Mid Day Meal Scheme as a centrally sponsored scheme on August 15, 1995, initially in 2408 blocks in the country.³⁴

(j) Bharat Nirman, 2005

The Government of India in recognition of the role played by infrastructure in poverty removal has taken up massive programmes for construction of rural infrastructure under different programmes in the past. The government launched a time-bound plan under Bharat Nirman in 2005 for implementation during the four-year period, 2005–09. The first half of the programme was in the tenth plan period and the second half coincides with the first two years of the Eleventh Plan period (2007–12). The six components included under the programme are irrigation, drinking

³⁴Mid Day Meal Programme, available at: https://www.researchgate.net/publication/303242637_ASSESSMENT_OF_CHILDREN_AVALING_MID_DAY_MEAL_SCHEME/link/5739c9e408ae9ace840dafaf/download (Visited on May 4, 2020).

water, electrification, roads, housing, and rural telephony. Rural connectivity is the key component of rural development and poverty alleviation in India. Rural roads (RRs) provide accessibility for the rural habitations to market and other facility centres. In order to give a boost to rural connectivity, a rural roads programme, Pradhan Mantri Gram Sadak Yojana (PMGSY) was launched as a 100% CSS in December 2000. The Bharat Nirman Programme provides safe drinking water to water-quality-affected habitations.³⁵

(k) Pradhan Mantri Awas Yojana (Urban)-PMAY (U), 2015

Pradhan Mantri Awas Yojana (Urban) Mission launched on June 25, 2015 which intends to provide housing for all in urban areas by year 2022. The Mission provides Central Assistance to the implementing agencies through States/Union Territories (UTs) and Central Nodal Agencies (CNAs) for providing houses to all eligible families/beneficiaries against the validated demand for houses for about 1.12 crores. As per PMAY(U) guidelines, the size of a house for Economically Weaker Section (EWS) could be upto 30 square metre carpet area, however States/UTs have the flexibility to enhance the size of houses in consultation and approval of the Ministry.³⁶

(l) Housing for All: Rural and Urban, 2015-16

In the 2015-16 Budget, the government has committed to the provision of housing for all by 2022. This would require completion of 3 crore houses in rural areas and 2 crore houses in urban areas. Key programs devoted to rural and urban housing were Indira Awas Yojana (IAY) and Rajiv Awas Yojana (RAY), respectively. These have now been made part of the program Housing for All (Rural and Urban). Under the scheme, priority is given to manual scavengers, bonded labourers, women in difficult circumstances, widows of defence, paramilitary and police personnel killed in action, mentally

³⁵ Bharat Nirman, 2005, available at: https://niti.gov.in/planningcommission.gov.in/docs/plans/planrel/fiveyr/11th/11_v3/11v3_ch6.pdf (Visited on May 8, 2020).

³⁶ Pradhan Mantri Awas Yojana (Urban)-PMAY (U), 2015, available at: <https://pmaymis.gov.in/> (Visited on June 1, 2020).

and physically challenged persons and households with single girl child. The socio-economic caste census also deployed to identify the beneficiaries.³⁷

(m) Aayushman Bharat, 2018

Ayushman Bharat, a flagship scheme of Government of India, was launched as recommended by the National Health Policy 2017, to achieve the vision of Universal Health Coverage (UHC). This initiative has been designed to meet Sustainable Development Goals (SDGs) and its underlining commitment, which is to “leave no one behind.” Ayushman Bharat is an attempt to move from sectoral and segmented approach of health service delivery to a comprehensive need-based health care service. This scheme aims to undertake path breaking interventions to holistically address the healthcare system (covering prevention, promotion and ambulatory care) at the primary, secondary and tertiary level.³⁸

(n) Pradhan Mantri Kisan Samman Nidhi (PM-KISAN), 2018

Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) is a central sector scheme with 100% funding from Government of India. It has become operational from December 1, 2018. Under the scheme an income support of 6,000/- per year in three equal installments will be provided to small and marginal farmer families having combined land holding/ownership of up to 2 hectares. The fund will be directly transferred to the bank accounts of the beneficiaries.³⁹ This would also protect them from falling in the clutches of moneylenders for meeting such expenses and ensure their continuance in the farming activities.⁴⁰

³⁷Housing for All: Rural and Urban, 2015-16, available at: https://niti.gov.in/sites/default/files/2018-12/OccasionalPaper_No2_Poverty.pdf (Visited on May 3, 2020).

³⁸Aayushman Bharat, 2018, available at: <https://pmjay.gov.in/about/pmjay> (Visited on May 9, 2020).

³⁹ Pradhan Mantri Kisan Samman Nidhi (PM-KISAN), 2018, available at: <https://pmkisan.gov.in/> (Visited on March 12, 2020).

⁴⁰Available at: <https://pmkisan.gov.in/Documents/PMKisanSamanNidhi.PDF> (Visited on March 26, 2020).

(o) Merit-cum-Means Based Scholarship, 2007

The scheme was started with effect from June 21, 2007 by Ministry of Minority Affairs, Government of India. The objective of this 100% centrally sponsored scheme is to provide financial assistance to the poor and meritorious students belonging to minority communities (Sikh, Muslim, Christian, Buddhist and Parsi) to enable them to pursue professional and technical courses (Medical, Engineering, Law, B.Ed, Polytechnic and other professional courses etc.). Financial assistance will be given to pursue degree and/or post graduate level technical and professional courses from recognized institutions.⁴¹

(p) Post Matric Scholarship, 2007

This scheme was launched by Ministry of Minority Affairs with effect from November 29, 2007. The objective of this 100% centrally sponsored scheme is to award scholarships to meritorious students belonging to economically weaker sections of minority community so as to provide them better opportunities for higher education. This scheme will cover technical and vocational courses in Industrial Training Institutes/Industrial Training Centres affiliated with the National Council for Vocational Training (NCVT) of classes XI and XII level. Scholarship will be awarded to the students who have secured not less than 50% marks or equivalent grade in the previous examination and the annual income of whose parents from all sources does not exceed Rs 2.00 lac.⁴²

(q) Pre-Matric Scholarship for Minorities, 2008

This scheme was started by Ministry of Minority Affairs with effect from April 01, 2008. The objective of the scheme is to provide scholarship to the meritorious students belonging to the economically weaker sections of minority communities to enable them to pursue education from Class-I to Class-X for students in

⁴¹ Merit-cum-Means Based Scholarship, 2007, available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on May 7, 2020).

⁴² Post Matric Scholarship, 2007, available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 11, 2020).

India only. Under this scheme, scholarship will be given to the students, pursuing studies from class I to class X from government/recognized private schools/institutes. Maintenance allowance will be credited to the students' bank accounts. The annual income, from all sources, of the student's parents or guardians should not exceed Rs.1.00 lac. *Inter-se* selection weightage is to be given to poverty rather than marks.⁴³

(r) Pradhan Mantri Adarsh Gram Yojana, 2009-10

This programme was launched by Government of India during 2009-10 for integrated development of 1000 villages with more than 50% SC population. The Pilot scheme was taken up in 5 states, which has been extended to 1500 new SC majority villages in country including Punjab. There are 2095 villages in Punjab having more than 50% Scheduled Caste population. PMAGY aims to ensure all round Integrated development of SC majority villages into model villages. Under this programme, these villages should have all requisite physical and social infrastructure for their socio-economic development.⁴⁴

(s) Deen Dyal Upadhyaya - Gram Jyoti Yojana (DDU-GJY)

Deen Dyal Upadhyaya - Gram Jyoti Yojana(DDU-GJY) is being launched as a flagship programme of Government of India to reduce poverty in the rural area. This scheme aims to provide electricity, especially in the rural area, which will also enable the government to initiate much awaited reforms in the rural areas. It focuses on separation between rural household and agriculture activities and strengthening of sub-transmission and distribution infrastructure including metering at all level. Deen Dyal Upadhyaya - Gram Jyoti Yojana(DDU-GJY) will also improve sub-transmission and

⁴³ Pre-Matric Scholarship for Minorities, 2008, available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 14, 2020).

⁴⁴Pradhan Mantri Adarsh Gram Yojana, 2009-10, available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 13, 2020).

distribution system to improve the quality and reliability of the supply and to reduce the losses.⁴⁵

(t) National Health Mission (NHM)

Although no direct intervention is undertaken for poverty alleviation, but there are many schemes under National Health Mission which focus on reducing the out of pocket expenditure or provide the support to poor for getting the health care services and indirectly contributing to reduction in poverty due to expenditure on health or loss of wages due to ill health. Initiatives were taken to ensure availability of free drugs and supplies (OPD & IPD) in all Government Hospitals. A list of 279 essential drugs, 54 consumables and 18 suture material has been finalised. Cancer drugs and medicines for hepatitis B & C are available at subsidised rates at the Jan Aushdhi stores in the state of Punjab.⁴⁶

• **Janani Shishu Suraksha Karyakaram (JSSK), 2011**

Since June 2011, under Janani Shishu Suraksha Karyakaram (JSSK) all pregnant women are provided free antenatal, delivery, post-natal services and also free treatment to the infants. Under this, free admission including diet, free diagnostic, free drugs and consumables, free blood and free referral transport is provided to all the pregnant women and infants. Approximately 4 lakh pregnant women are getting the free antenatal care, 2 lakh pregnant women are availing the delivery services and 0.30 lakh sick infants are provided free services every year. Apart from this, the state has also adopted a specific scheme under which every girl child up to 5 years will receive free treatment of all ailments in all Government Hospitals.⁴⁷

⁴⁵Deen Dyal Upadhyaya - Gram Jyoti Yojana(DDU-GJY), available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 17, 2020).

⁴⁶ National Health Mission (NHM), available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 17, 2020).

⁴⁷ Janani Shishu Suraksha Karyakaram(JSSK), 2011, available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 19, 2020).

- **National Urban Health Mission**

Under this programme, Urban Health Centres are being strengthened especially in slum/ poor areas. Outreach services in terms of special outreach camps where the services of specialist doctors are being provided in the slum areas. 40 sites (39 cities having population more than 50,000 and one District Headquarter) have been covered.⁴⁸

- (u) **Nirmal Bharat Abhiyan**

Poor households both in the urban and rural areas lack sanitation facilities including toilets. The government of India has been implementing total sanitation scheme since 1999. The central government has renamed it as 'Nirmal Bharat Abhiyan' under which specially a toilet has to be constructed in each house. With a view to cover the poor households first, priority should be given to constructing toilets in the households living below poverty line. Further for improving sanitation facilities, resources may be mobilized from the corporate sector under the scheme of corporate social responsibility.⁴⁹

4. Reports of Law Commission of India

The Law Commission of India in its Report stated that every man and woman has the human right to a standard of living adequate for health and well being, to food, clothing, housing, medical care and social services. These fundamental human rights are defined in our Constitution. The right to be free from poverty includes the human right to an adequate standard of living, right to live in adequate housing, right to be free from hunger, right to primary health care and medical attention in case of illness. Thus, poverty is a human rights violation.⁵⁰

⁴⁸ National Urban Health Mission, available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 27, 2020).

⁴⁹ Nirmal Bharat Abhiyan, available at: http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf (Visited on April 19, 2020).

⁵⁰ Law Commission of India, 223rd Report on Need for Ameliorating the lot of the Have-nots: Supreme Court's Judgments, (April, 2009).

The Law Commission of India in its Report suggested that legal aid will have to be first given to person accused of crime, particularly crimes of serious nature. Members of scheduled castes and scheduled tribes who generally are without means will have to receive preferential consideration. Legal aid will have next to be extended to really poor persons and then gradually made available to persons of moderate means who are unable to bear the cost of litigation.⁵¹

5. Judicial Attitude Towards Empowering the Concerns of Poor

In *Kush Kalra v. Union of India*,⁵² the petitioner seeks a direction to the respondent to restrain beggars and vagabonds/ homeless from begging on traffic junctions, markets and public places to avoid the spread of COVID-19 pandemic in all the states and union territories across India. The Supreme Court observed that people are generally compelled to beg on the streets to eke out some elementary livelihood due to the absence of education and employment. It cannot be said that they will not be allowed to beg. The Supreme Court also issued notices to the Centre and the Delhi government, seeking their time bound responses for rehabilitation of beggars and vagabonds, their vaccination and providing them with shelter and food amid the pandemic.

6. Conclusion

Combating poverty needs the elaboration and adoption of effective laws, as well as policies and programmes and their proper implementation. Institutions should also be strengthened. How far the law can serve to reduce poverty depends to a large extent on whether the law responds to the specific needs and circumstances of the people, whether the poor have been fully consulted and have participated in the development of the law and its implementation, as well as factors such as respect for the rule of law, and political

⁵¹ Law Commission of India, 14th Report on Reforms of Judicial Administration- Vol. I, chapter 27, (September, 1958).

⁵² Writ Petition (Civil) No. 708 of 2021.

will. It is the need of the hour to revolutionize the structure of development councils so that it would be possible to implement the policies designed for the poor. The sustainable development of rural areas is possible only if each rural household is provided with gainful employment. In this regard, khadi and village industries are the most suitable solution. In spite of the Constitutional safeguards and State legislative intervention in favour of the poor and the needy, their socio-economic condition is deteriorating. Social and economic equality still remains a mirage for them. The process of poverty alleviation is painfully slow, the main reasons being the population growth, the lack appropriate delivery services and widespread corruption at many levels.