



Role of Indian Judiciary in Protecting Poor People

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Abstract

The judiciary plays a vital role in law-making. The decisions given by the courts really determine the meaning, nature and scope of the laws passed by the legislature. The interpretation of laws by the judiciary amounts to law making as it is these interpretations which really define the laws. The judiciary acts as the guardian of the Constitution. The Constitution is the supreme law of the land and it is the responsibility of the judiciary to interpret and protect it. Indian judiciary has intervened and interpreted various facets of poverty and issued guidelines from time to time for the upliftment of poor population, implementation of various laws and policies. The judiciary has kept an intense scrutiny and ensured that this Constitutional mandate is properly enforced and any friction between the legislature and the executive is eased. Building upon Article 21, the judiciary has adopted an expansive interpretation bringing within its ambit almost all facets of poverty – direct or indirect. The Supreme Court of India in some of its judgments has linked the right to shelter with the right to life, stressing that the right to housing is implied under the right to life, and has attempted to secure access to justice for such violation of the right to life. This paper is an attempt to analyse various contribution of Indian Judiciary in protection the rights of poor people in India. This paper suggested for the future measures to be taken for the effective eradication of poverty in India.

Keywords: Poor People, Poverty, judiciary, Human Rights, Constitutional Rights

1. Introduction

Judiciary is one of the main organs of democracy and just like all other branches of the State, it should be accountable to the citizens. The most common argument that comes forth while discussing judicial accountability is that it would interfere with judicial independence and functioning being the sentinel on the *qui vive*.

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The foundation of judicial independence is rooted in people's trust in the system and to sustain the trust it becomes imperative to conduct oneself with the highest standards of integrity and be held accountable to them. Judicial accountability refers to the accountability under democratic Government of those who govern to those whom they govern—as well as to the rule of law.¹ The Constitution of India provides for a single hierarchical judicial system with the Supreme Court standing at its apex and law declared by Supreme Court are binding on all courts within territory of India.²

The judicial system has also become an effective vehicle of social justice. The significant work of judges is both constitutive and conceptive. Their decisions influence our perception of Indian society. As conceptive ideologies they determine the manner and framework which value preferences and public policy. Judges have performed the role of creator, planner, architect and social visionary in building a new society out of old one through juridical engineering. The task of judiciary is challenging. It is meant to be aim at the development and maintenance of effective means for achieving distributive justice. Judicial Review is governed by the principle of “procedure established by law” as given in article 21 of the Indian Constitution. The law has to pass the test of constitutionality if it qualifies it can be made a law. On the contrary, the court can declare it null and void. Distributive justice is directed at the proper allocation of things—wealth, power, reward, respect—among different people. Social justice cannot be administered without inclusion of poor. It enables the courts to uphold legislation to remove economic inequalities, to provide a decent standard of living to the working people. Further, it helps framing of laws to protect the interests of the weaker sections of

¹ Judicial Accountability, Fairness, and Independence, Roger K Warren, Court Review, *The Journal of the American Judges Association*, 2005, available at: <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1043&context=ajacourtreview> (Visited on December 3, 2022).

² The Constitution of India, 1950, art. 141.

the society.³ Indian judiciary has intervened and interpreted various facets of poverty and issued guidelines from time to time for the upliftment of poor population, implementation of various laws and policies. The judicial initiatives have been discussed below in the form of landmark judgments hereunder:

Expanding Horizon of Right to Life: Article 21 and its many interpretations is the perfect example of the transformative character of the Constitution of India. The Indian judiciary has attributed wider connotation and meaning to article 21, extending beyond the Constitution makers' imagination. These meanings derived from the 'right to life' present unique complexities. The judiciary has kept an intense scrutiny and ensured that this Constitutional mandate is properly enforced and any friction between the legislature and the executive is eased. Building upon article 21, the judiciary has adopted an expansive interpretation bringing within its ambit almost all facets of poverty – direct or indirect. Article 21 is at the heart of the Constitution. It is the most organic and progressive provision in our living Constitution. Article 21 can only be claimed when a person is deprived of his 'life or 'personal liberty' by the State. Thus, violation of the right by private individuals is not within the preview of article 21.⁴

In *Menaka Gandhi v. Union of India*,⁵ the Apex Court gave a new dimension to article 21. It has held that the right to life is not merely confined to physical existence but it includes within its ambit the right to live with human dignity. The right to live with human dignity includes all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for

³ Maj. Gen. Nilendra Kumar and Kush Chaturvedi, *Textbook on Law, Poverty and Development* 15 (Lexis-Nexis, Gurgaon, 5th edn., 2018).

⁴ Riya Jain, "Article 21: Understanding the Right to Life and Personal Liberty from Case Laws", available at: <https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/> (Visited on December 2, 2022).

⁵ AIR 1978 SC 597.

reading, writing and expressing ourselves in diverse forms, freely moving about and mixing with fellow human beings.

2. Right of Shelter to Poor Homeless

The Supreme Court of India in some of its judgments has linked the right to shelter with the right to life, stressing that the right to housing is implied under the right to life, and has attempted to secure access to justice for such violation of the right to life. The record of Indian courts, however, in the context of upholding the right to housing is a mix of positive and negative verdicts. In some cases, the right to housing, adequate rehabilitation, and compensation have been ordered, while in some cases evictions have been legitimised. In the following cases, courts in India have upheld the right to housing by linking it with the right to life:

The judiciary has stated in *Basheshar Nath v. Commissioner of Income Tax Delhi*,⁶ that the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Any person can challenge the deprivation as offending the right to life conferred by article 21. In *Prabhakaran Nair v. State of Tamil Nadu*,⁷ the Supreme Court has observed that shelter is one of our fundamental rights and suggested new rational housing policy for more accommodation and also for rationalisation of the rent structure and to bring certain amount of uniformity in rent law. In *Shantistar Builders v. Narayan Khimala Totame*,⁸ a bench of three judges had held that basic needs of man have traditionally been accepted to be three—food, clothing and shelter. The right to life is guaranteed in any civilised society. That would take within its sweep the right to food, the right to clothing, the right to descent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For an animal it is the bare protection of the body; for a human being it has to be a suitable

⁶ 1959 (1) SCR Supp 528.

⁷ AIR 1987 SC 2117.

⁸ (1990) 1 SCC 520.

accommodation which would allow him to grow in every aspect - physical, mental and intellectual. The Constitution aims at ensuring fuller development of every child. That would be possible only if the child is in a proper home. It is not necessary that every citizen must be ensured of living in a well-built comfortable house but a reasonable home, particularly for people in India can even be mud-built thatched house or a mud-built fire-proof accommodation. When the urban land under sections 20 and 21 of the Urban Land Ceiling Act was exempted subject to the condition of constructing houses to weaker sections by the builders, this Court recognised the above right to shelter as an in-built right to life under section 21 and upheld the validity of exemption and gave directions to effectively implement the Scheme.

The Supreme Court in *State of Karnataka v. Narasimhamurthy*,⁹ stated that right to shelter is a fundamental right. To make the right meaningful to the poor, the State has to provide facilities and opportunities to build houses. Acquisition of the land to provide house sites to the poor houseless is a public purpose as it is a constitutional duty of the State to provide house sites to the poor. In *Chameli Singh v. State of U.P.*,¹⁰ the Highest Court unequivocally asserted in its verdict that right to shelter when used as an essential requisite to the right to live, should be deemed to have been guaranteed as a fundamental right. In *U.P. Avas Evam Vikas Parishad v. Friends Cooperative Housing Society Ltd.*,¹¹ the Supreme Court has held that the right to shelter is a fundamental right which springs from the right to residence assured in article 19(1)(e) *i.e.*, all citizens shall have the right to reside and settle in any part of the territory of India and the right to life under article 21 of the Constitution *i.e.*, no person shall be deprived of his life or personal liberty except according to procedure established by law.

⁹ (1995) 5 SCC 524.

¹⁰ (1996) 2 SCC 549.

¹¹ AIR 1996 SC 114.

3. Free Legal Aid and Education to Poor

Poor and illiterate people have no knowledge about their rights, and due to poverty, they cannot hire advocates. However, it is the duty of State under article 39A of Indian Constitution to provide legal aid to the poor. The main object behind insertion of article 39A¹² is to mitigate inequalities so that justice reaches to the door of the poor and weaker section of the society. In other words, a person should not be denied justice merely on the grounds of poverty or on the ground that he is not in a position to engage a lawyer to conduct his case. In 1987, Parliament passed the Legal Service Authorities Act, 1987. The main objective of this Act 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.

In *M.H. Hoskot v. State of Maharashtra*,¹³ while holding free legal aid as an integral part of fair procedure, the Supreme Court explained two important ingredients of the right of appeal *i.e.*,

¹² The Constitution of India, art. 39.

Article- 39: Certain principles of policy to be followed by the State:

The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) 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.

¹³ AIR 1978 SC 1548.

firstly, service of a copy of a judgement to the prisoner in time to enable him to file an appeal and secondly, provision of free legal service to the prisoner who is indigent or otherwise disabled from securing legal assistance. This right to free legal aid is the duty of the government and is an implicit aspect of article 21 in ensuring fairness and reasonableness; this cannot be termed as government charity. The Supreme Court has also held that it is the constitutional right of the accused that he is represented by a lawyer and the duty is cast upon the State to provide free aid to a prisoner who is indigent and unable to secure legal assistance because of his financial incapacity and such rights are available to the accused even at the appellate stage when the accused is unable to appeal against the order of conviction since the service of a lawyer constitutes an integral part of fair procedure.

In *Khatri (II) v. State of Bihar*,¹⁴ the Supreme Court declared that poor or indigent accused who were incapable of engaging lawyers had a right to free legal aid. State is constitutionally bound to provide such aid not only at the stage of trial but also when they are first produced before the magistrate or remanded from time to time. Such right cannot be denied on the ground of financial constraints or administrative inability or that the accused did not ask for it. In *Suk Das v. Union Territory of Arunachal Pradesh*,¹⁵ the Supreme Court has held that failure to provide free legal aid to an accused at the state cost, unless refused by the accused, would vitiate the trial. He need not apply for the same. Free legal aid at the State cost is a fundamental right of a person accused of an offence and this right is implicit in the requirement of reasonable, fair and just procedure prescribed by article 21. This right cannot be denied to him on the ground that he has failed to apply for it. The Magistrate is under an obligation to inform the accused of this right and inquire if he wishes to be represented on the States' cost, unless he refuses to take advantage of it.

¹⁴ AIR 1981 SC 928.

¹⁵ (1986) 25 SCC 401.

To help the poor litigants, article 39A of the Constitution provides, *inter alia*, that the State shall provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Invoking the said article and the Universal Declaration of Human Rights, the Supreme Court held that it is the duty of the State to provide *amicus curiae* to defend an indigent accused. The Court also held that he would be meted out with unequal defence, if, as is common knowledge, a youngster from the Bar who has either a little experience or no experience is assigned to defend him and, therefore, it is high time that senior counsel practicing in the court concerned should volunteer to defend such indigent accused as a part of their professional duty.¹⁶

4. Right against Hunger and Starvation

The State has constitutional obligation to provide assistance in cases of unemployment, old age, sickness and disablement as under article 41. It is the fundamental duty of the State to ensure decent standard of life and to raise the level of nutrition and standard of living of its people. In *People's Union for Civil Liberties v. Union of India*,¹⁷ the Apex Court agitated over the issue of starvation deaths in Rajasthan despite excess grain being kept aside for famine. Various schemes for food distribution throughout India were also non-functional. The Supreme Court, noting the right to life, stated "would the very existence of life of those families which are below poverty line not come under danger for want of appropriate schemes and implementation." The Court found failure by the government to implement various food schemes and the Court directed more effective specific measures to be implemented. The Apex Court has directed all the States and Union Territories to identify the families living below poverty line as well as the beneficiaries under the various centrally sponsored schemes, such as Antyodaya Anna Yojna, National Old Age Pension Scheme,

¹⁶ *Kishore Chand v. State of Himachal Pradesh*, (1991) 1 SCC 286.

¹⁷ (2003) SCR 1136.

Annapurna Scheme Integrated Child Development Scheme and National Family Benefit Scheme for giving the relief. The Court further held that after the identification of the below poverty line families, the States and Union Territories should ensure the ration cards were issued to them and distribute 25 Kg of food grains to them every month. The Court further directed the Centre to allot food grains for full compliance with the targeted public distribution scheme. Under the National Old Age Pension Scheme, the States were asked to identify the beneficiaries and mid-day meal scheme, the State Governments were asked to implement the scheme by providing every child with a minimum of 300 calories and 8-12 grams of protein each day of the school for a minimum of 200 days. The Court further remarked that the Chief Secretaries would be responsible to ensure implementation of these directions and asked them to file compliance reports within eight weeks.

5. Hawkers' Right to Trade on Pavement of Roads

Hawking (Vending) means the act of selling of goods for a living. It is one of the oldest occupations in India. Hawkers are poor people who are resource less persons and are unable to earn their livelihood. There are various provisions enshrined under Indian Constitution which empower the concerns of hawkers. By virtue of article 19(1)(g) of Indian Constitution, every citizen has a right to carry on any lawful trade or business. It is this right vested in the citizens that the hawkers exercise while engaging themselves in the trade. The right to carry on trade is a fundamental right of the vendors and hawkers but it doesn't mean that street trading is a right as such without any restrictions. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 was also enacted to protect the rights of urban street vendors and to regulate street vending activities.

In *Sodan Singh v. New Delhi Municipal Committee*,¹⁸ bench comprising five judges of the Apex Court held that hawkers have a fundamental right to carry on trade on pavements of roads, but

¹⁸ (1989) 4 SCC 155.

subject to reasonable restrictions under article 19(6) of the Constitution. The petitioners who were poor hawkers were carrying on business on the pavements of roads of Delhi and New Delhi. They alleged that they were permitted by the respondent Municipal authorities to carry on their business by occupying a particular area on the pavements on payment of certain charges described as Tehbazari, but they refused them to continue with their trade and thereby they were violating their fundamental right guaranteed under articles 19(1)(g) and 21 of the Constitution. The Supreme Court held that the right to carry on trade or business mentioned in article 19(1)(g) on pavement of roads, if properly regulated, cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and for no other use. The right if properly regulated would help both the small traders and the general public by making available ordinary articles of everyday use for a comparatively lesser price. If the circumstances are appropriate and a small trader can do some business for personal gain on the pavement to the advantage of the general public and without any discomfort or annoyance to the others, there cannot be any objection to his carrying on the business. Proper regulation is, however, a necessary condition as otherwise the very purpose of laying down roads to facilitate traffic may be defeated. This right is subject to reasonable restrictions under clause (6) of article 19.

Though the hawkers have a fundamental right to carry on the business of their choice, yet they have no right to do so on a particular place. They cannot claim that they may be permitted to trade on every road in the city. If a road is not wide enough to conveniently manage the traffic on it, no hawking may be permitted at all or may be sanctioned only once a week. Hawking may also be prohibited near hospitals or where necessity of security reasons so demands. Public streets are primarily to be used by the public generally as pathways for passing and re-passing but there are other ancillary purposes for which the public streets can be used as of right. Street trading is an age-old vocation adopted by human beings to earn living. Street trading is accepted as one of the legitimate

modes of earning livelihood in the most affluent countries of the world. This is prevalent in countries where there is a complete social security and no compulsion on the citizens to be driven to street trading out of poverty or unemployment. Extreme poverty in India warrants outright rejection of the argument that nobody has a right to engage himself in street trading. However, the State is empowered to regulate by making necessary enactments under article 19(6) of the Constitution. The Court suggested for framing proper schemes for regulating the hawking business by creating hawking and non-hawking zones.

6. Protection to Slum Dwellers

One of the important consequences of industrialization is the crowding of cities. Shifting of population from villages to cities is constant and it creates problems such as overcrowding, congestion and slums in the cities. The people who come in search of employment have to live in temporary shelter and these grow into slums over a period of time. Slums are unhygienic and inhabitants are denied the basic facilities of human lives. The State is therefore required to provide for the improvement and clearance of slum areas and also their re-development. The law of slum improvement and slum clearance must also protect the slum dweller from eviction and distress warrants.¹⁹

The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation*²⁰ case, come forward in favour of poor people and the right to life was widened enough so as to bring the right to livelihood within the purview of right to life under article 21 of the Constitution. This case is also known as pavement dwellers case. The Apex Court has justified eviction of slum dwellers that the respondents (Bombay Municipal Corporation) must provide with alternative shelter or accommodation to the slum dwellers before eviction from the pavements. In this case, the validity of the provision of the Bombay

¹⁹ Universal Law Series, *Law, Poverty and Development* 59 (Lexis-Nexis, Gurgaon, 3rd edn., 2017).

²⁰ (1985) 3 SCC 545.

Municipal Corporation Act and the Bombay Police Act which provided for their eviction from their squalid shelters without hearing and without alternative accommodation was challenged on the plea of violation of the right to life as guaranteed by article 21, contending that right to life would be illusory without a right to the protection of the means by which alone life can be lived. The concerned Chief Minister announced that these pavement dwellers will be evicted and deported to original places or outside Bombay and their huts etc., would be demolished. It was alleged that two births and two deaths occurred during deportation operation from one particular area. Assuming that eviction from their dwellings would result in deprivation of their livelihood, the Court examined whether the right to life includes the right to livelihood. The sweep of the right to life conferred by article 21 is wide and far reaching. An important fact of this right is the right to livelihood because no person can live without the means of living *i.e.*, the means of livelihood. The Court rightly pointed out that if the right to livelihood is not treated as part of the right to life, then the easy most method of depriving a person of his life would be to deprive him of his means of livelihood to point of abrogation. The Court also observed that which alone makes it possible to live, leave aside what makes life livable, must be deemed to be an integral component of the right to life. There is nexus between life and means of livelihood. They have to eat to live, but can eat only if they have the means of livelihood.²¹ The Court further held that the Bombay Municipal Corporation Act, 1988 which provides for eviction and demolition of structure etc., without any notice or hearing from footpaths, pavements etc., over which the public has the right of passage or access, lays down a procedure which cannot be deemed as just, fair and reasonable.

7. Protection to Poor Street Children

Street children suffer from many denials and vulnerabilities. These include deprivation of responsible adult protection, coercion to

²¹ *Ibid.*

work to eat each day, work on unhealthy occupations on streets like rag picking and bagging etc. While dealing with the plights of shelter less persons in Delhi, in the matter of *People's Union for Civil Liberties v. Union of India*,²² the Supreme Court ruled that street children also need shelter and rehabilitation. A street child is one for whom the street in the widest sense of the world including unoccupied dwellings, wastelands etc. has become his or her habitual abode or source of livelihood and who is inadequately protected, supervised or directed by responsible adults. According to one estimate, there are more than 4 lakh street children in India. A study by the United Nations International Children's Emergency Fund (UNICEF) has reported that 72 percent of the street children were in the age group of 6 to 12.²³

Conceptually, *parens patriae* theory is the obligation of the State to protect and take into custody the rights and privileges of its citizens for discharging its obligation. The Constitution makes it imperative for the State to secure to its citizens the rights guaranteed by the Constitution and where the citizens are not in a position to assert and secure their rights, the State must come into picture and protect and fight for the rights of the citizens. Therefore, the State can be activated and approached to effectively come on the scene and take over the claims of the victims of a disaster to protect their human rights.²⁴

8. Efforts During COVID-19 Pandemic

In *Kush Kalra v. Union of India*,²⁵ the petitioner sought 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 latter part of prayer was for rehabilitating them so

²² (2010) 5 SCC 318.

²³ Maj. Gen. Nilendra Kumar and Kush Chaturvedi, *Textbook on Law, Poverty and Development* 89 (Lexis-Nexis, Gurgaon, 5th edn., 2018).

²⁴ *Charan Lal Sahu v. Union of India*, (1990) 1 SCC 613.

²⁵ Writ Petition (Civil) No. 708 of 2021.

as to ensure that basic amenities including food, shelter and medical facilities including vaccination are provided. A large number of people, including children were compelled to be on the streets to beg due to the absence of education and employment. This is a human problem which has to be redressed by the welfare State in a manner which accords with part-III and IV of the Constitution. At the outset, the Court has indicated that the prayer for a direction in the above terms cannot be countenanced. A Bench comprising Justices DY Chandrachud and MR Shah said that beggars cannot be wished away from public places and traffic junctions. The Court said that no one would like to beg if not for poverty, as it turned down a petition to restrain begging at traffic lights, markets and public places in light of the precautionary measures for the COVID-19 pandemic. 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.

In *Reepak Kansal v. Union of India*,²⁶ and *Gaurav Kumar Bansal v. Union of India*,²⁷ two writ petitions have been filed in public interest seeking directions to the respondents – central/state governments to provide *ex-gratia* monetary compensation of Rs. 4 lakhs or notified *ex-gratia* monetary compensation to the families of the deceased who have succumbed to the pandemic of COVID-19, in view of section 12 of the Disaster Management Act, 2005. It is also further prayed for an appropriate direction to the respondents – state governments to fulfil their obligation to take care of victims of

²⁶ Writ Petition (Civil) No. 554 of 2021, available at: https://main.sci.gov.in/supremecourt/2021/11514/11514_2021_36_1503_28108_Judgement_30-Jun-2021.pdf (Visited on October 2, 2022).

²⁷ Writ Petition (Civil) No. 539 of 2021, available at: https://main.sci.gov.in/supremecourt/2021/16425/16425_2021_43_6_30546_Order_04-Oct-2021.pdf (Visited on November 4, 2022).

the calamity and their family members. In this case, the Supreme Court issued the following directions:

- a) That the National Disaster Management Authority to recommend guidelines for *ex-gratia* assistance on account of loss of life to the family members of the persons who died due to COVID-19, as mandated under section 12(iii) of the Disaster Management Act, 2005 for the minimum standards of relief to be provided to the persons affected by disaster COVID-19 pandemic, over and above the guidelines already recommended for the minimum standards of relief to be provided to persons affected by COVID-19. However, what reasonable amount to be offered towards *ex gratia* assistance is left to the wisdom of National Authority which may consider determining the amount taking into consideration the observations made hereinabove, such as, requirement/availability of the fund under the National Disaster Response Fund (NDRF) or State Disaster Response Fund (SDRF) for other reliefs and the priorities determined by the national authority/union government and the fund required for other minimum standards of relief and fund required for prevention, preparedness, mitigation and recovery and other reliefs to carry out the obligation under the Disaster Management Act, 2005. The afore-said exercise and appropriate guidelines be recommended, as directed hereinabove, within a period of six weeks from the date of decision of the case;
- b) The appropriate authority is directed to issue simplified guidelines for issuance of death certificates/official document stating the exact cause of death, *i.e.*, death due to COVID-19, to the family members of the deceased who died due to COVID-19. Such guidelines may also provide the remedy to the family members of the deceased who died due to COVID-19 for correction of the death certificate/official document issued by the appropriate authority, if they are not satisfied with the cause of death mentioned in the death certificate/official document issued by the appropriate authority;

- c) The Union of India to take appropriate steps on the recommendations made by the Finance Commission in its 15th Finance Commission Report.

9. Conclusion

The role of the Indian Judiciary and the scope of judicial interpretation have expanded remarkably in recent times. The judiciary plays an important role in the protection of fundamental rights of the citizen and non-citizens alike. Despite the fact that the term 'poor' is not included in the Indian Constitution, the Preamble, Fundamental Rights and Directive Principles of State Policy read together provide for a welfare State model. Poverty is indisputably the most potent violation of all human rights and constitutes a threat to the survival of the greatest numbers of the human population. The impact of the poor friendly decisions of the SC have been able pivotal in ameliorating poverty over the years. The right to free legal aid is now fully ensured by the judiciary.

The judiciary in fact has become a partner in laying down and implementing new schemes to make this right effective. The activist role played by the Supreme Court through judicial activism and liberal interpretations has given new dimensions to the right to life and personal liberty. Economic empowerment through distributive justice for the poor, Dalits and tribals are integral part of the right to life, equality and of status and dignity to the poor, weaker sections, dalits and tribes. Bonded labourers have to be identified, released and rehabilitated through wide interpretation of the article 21 read with articles 39, 41 and 42 of the Indian Constitution. The right to life under article 21 has been interpreted to also include the right to health of workmen. The health and strength of a worker is an integral facet of his right of life. No doubt, poverty has declined in India, but despite the progress, poverty reduction is still India's most compelling challenge. Wide disparities in poverty can be seen between rural and urban areas and among different states. There is need to control corruption which is root cause of poverty in India. The benefit does not reach the people who actually deserve. We can

eradicate poverty with population awareness because if masses will not join hands with the Government, alleviation of poverty is impossible.