

Review Article

A Study on Poverty under the Indian Socio-Legal Framework

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"Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings."

Nelson Mandela

Abstract

Policy on the regulatory environment involving-quality, safety and efficacy. Climatic factors, Demographic factors, Personal causes, and Economic causes are at the background of poverty in India. Since the 1950s, the government of India and non-governmental organizations have initiated several programmes and policies to alleviate poverty which includes-subsidization of food and other necessities, increased access to loans, improving agricultural techniques and price supports, promoting education and family planning. This paper is aiming to study the socio-legal aspects of poverty in India i.e. how the issues of poverty has been addressed in India under the different legislative and policies over the years.

Keywords: Poverty; Tendulkar Committee Report; Planning Commission; Constitution; Supreme Court Etc.

Introduction

Poverty is a condition where people's basic needs for food, clothing, and shelter are not being met. The official measure of Indian government, before 2005, was based on food security and it was defined from per capita expenditure for a person to consume enough calories and be able to pay for associated essentials to survive. Since 2005, Indian government adopted the Tendulkar methodology which moved away from calorie anchor to a basket of goods and used rural, urban and regional minimum expenditure per capita necessary to survive[1]. Poverty is generally of two types: (1) Absolute poverty is synonymous with destitution and occurs when people cannot obtain adequate resources (measured in terms of calories or nutrition) to

support a minimum level of physical health. Absolute poverty means about the same everywhere, and can be eradicated as demonstrated by some countries. (2) Relative poverty occurs when people do not enjoy a certain minimum level of living standards as determined by a government (and enjoyed by the bulk of the population) that vary from country to country, sometimes within the same country. Relative poverty occurs everywhere, is said to be increasing, and may never be eradicated[2]. Low level of saving reduces the scope for investment; low level of investment yields low income and thus the circle of poverty goes on indefinitely [3]. Climatic factors, Demographic factors, Personal causes, and Economic causes are at the background of poverty in India. Since the 1950s, the government of India and non-governmental organizations have initiated several programmes and policies to alleviate poverty which includes- subsidization of food and other necessities, increased access to loans, improving

agricultural techniques and price supports, promoting education and family planning. This paper is aiming to study the socio- legal aspects of poverty in India.

Meaning of Poverty

Poverty, destitution, need, want imply a state of privation and lack of necessities [4]. Poverty denotes serious lack of the means for proper existence. It also signifies the state of being extremely poor. It is a state or condition in which a person or community lacks the financial resources and essentials to enjoy a minimum standard of life and well-being that's considered acceptable in society[55]. Available at <http://www.investopedia.com/terms/p/poverty.asp>, accessed on 23rd October, 2015 at 3. 20 PM.

There is a poverty line in India and elsewhere, which tells us how we can measure poverty. The global poverty line for extreme poverty is \$1.25 and for moderate poverty is \$2 [6]. In India, the national poverty line by using the *Tendulkar methodology* is estimated at Rs.816 per capita per month in villages and Rs.1,000 per capita per month in cities. It means the persons whose consumption of goods and

services exceed Rs.33.33 in cities and Rs.27.20 per capita per day in villages are not poor [7]. Poverty may mean a *state or condition in which a person or community lacks the financial resources and essentials to enjoy a minimum standard of life and well-being that's considered acceptable in society* [8].

Determination of Poverty Line in India

The poverty line drawn up in the early 1970s was on the basis of the consumption expenditure level of a household in which per capita calorie consumption was 2,400 kilocalories (kcal) in rural areas and 2,100 kcal in urban areas [9]. The Tendulkar Committee suggested an alternative approach, based on some rough estimates of expenditure for buying food worth 1,700 calories and also a family's monthly spend on education, health, electricity and transport [10]. As per the said study, the Planning Commission estimated a significant decline in poverty compared with a decade earlier: that the aggregate incidence of poverty has fallen from 37.2 per cent of the population in 2004-05 to 29.8 per cent in 2009-10, to 22 per cent in 2011-12 (25.7 per cent in rural areas and as low as 13.7 per cent in urban India). The total number of poor people is now estimated at just below 270 million, of which around 216 million reside in rural

| Sl. No. | Social-economic indicators | Legal indicators |
|---------|---|--|
| a. | Low income or lack of financial resources | Discrimination |
| b. | Unemployment, | Denial of access to justice ¹ |
| c. | Insecurity, fear for the future, living one day at a time | Denial of access to information |
| d. | Hunger, Mal nutrition, Poor status of health, | Denial of legal recognition |
| e. | No education or not having access to school and not knowing how to read | Denial of access to treatment |
| f. | Less cloth | Denial of access to education |
| g. | Lack of hygienic shelter | Merciless exploitation |
| h. | Being sick and not being able to see a doctor. | |
| i. | Illness brought about by unclean water. | |
| j. | Powerlessness | |

India [11]. Now, let's have a look on the different features of poverty. Poverty features the following indicators-

Causes of Poverty

- a. Rapidly Rising Population
- b. Low Productivity in Agriculture
- c. Under Utilized Resources
- d. Low Rate of Economic Development
- e. Price Rise
- f. Corruption
- g. Unemployment

- h. Shortage of Capital and Able Entrepreneurship
- i. Social Factors like inheritance, caste system, traditions and customs
- j. Political Factors

Planning Commission and Poverty

The Planning Commission's poverty line, using methodology suggested by the *Suresh Tendulkar Committee* in 2010, is now apparently defined as the spending of Rs. 27.20 per capita per day in rural areas and Rs.33.40 in urban areas and filed an affidavit submitted in the Supreme Court, which said that persons consuming items worth more than Rs 32 per day in urban areas (Rs 26 in rural areas) are

not poor. As per the affidavit, a family of five spending less than Rs 4,824 (at June, 2011, prices) in urban areas will fall in the BPL (Below Poverty Line) category. The expenditure limit for a family in rural areas has been fixed at Rs 3,905 [13]. Here, the poverty estimates based on the consumption expenditure survey of the NSSO (National Sample Survey Office) Survey of 2011-12.

In this context it may be noted that life consists of more than eating. There are all the other necessary daily expenses that are a necessary part of existence. In most cities and town today, rents take up a huge part of the income of the poor. Daily life also requires some mobility, at the very minimum to get to and from one's place of work. So if we consider a casual worker living in a slum settlement in Bangalore, say Chandapura. Suppose this labourer is able to find work somewhere near the Banshankari Busstand. The cheapest public transport available would cost a minimum of Rs 40 for a return trip leaving aside the expenses for food and other things. This is significantly higher than the national urban poverty line of Rs 33.40. Hence, it is simply ridiculous to consider the national urban poverty line of Rs 33.40 which is supposed to cover the total of all daily expenses.

In 2010, the World Bank reported that 32.7% of all people in India fall below the International Poverty Line of US\$ 1.25 per day while 68.7% live on less than US\$ 2 per day. According to 2010 data from the UNDP, an estimated 29.8% of Indians live below the country's national poverty line [14].

Legal framework Addressing Poverty

The issue of poverty has been dealt by law from the perspectives of human rights. A number of Declarations Conventions have addressed the issue of poverty among which the followings are most important-

The Universal Declaration of Human Rights (UDHR)

- *Articles 22* provides that, "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable for their dignity and the free development of their personality."

- *Article 25(1)* says that "Everyone has the right to a standard of living adequate for the health and well-being of their 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 their control."

International Covenant on Civil and Political Rights

- *Article 7* says, No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

- *Article 8(1)*, No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude and shall be required to perform forced or compulsory labour [15];

- *Article 14 (1)* All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

- *Article 26* says that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

International Covenant on Economic, Social and Cultural Rights (ICESR)

- *Article 9* says, The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

- *Article 10 (3)* speaks, Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

• *Article 11*says,

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

• *Article 12*says,

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

• *Article 13*says,

1. The States Parties to the present Covenant

recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

Economic and Social Council

The Committee on Economic, Social and Cultural Rights under the *General Comment No. 14 [16]*, it has been stated that if a national or international anti-poverty strategy does not reflect this minimum threshold, it is inconsistent with the legally binding obligations of the State party.

Constitution of India

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE, *social, economic and political*"

Preamble of the Constitution of India.

The concept of the protection of poor in India is underlined in the above quoted set of words in the

Preamble of the Constitution. If we go by the body Constitution of India, the principles of protection for the poor can be underlined as under:

Right to Life

The Indian Constitution in Part III under Art. 21 recognizes the right to livelihood as one of the most important positive fundamental rights under which the Supreme Court in *Francis Coralie v. Union Territory of Delhi*, [17] held right to life is not restricted to mere animal existence. It means something more than just the physical existence.

Right to Livelihood

Though right to livelihood is not a separate fundamental right under the Constitution of India, the Supreme Court of India in *Pavement Dwellers case*, [18] interpreted this right as a part of Art. 21 of the Constitution of India and held that no person can live without the means of livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest ways of depriving a person of his right to life would be to deprive him of his means of livelihood. Again, in *D.K. Yadav v. J.M.A. Industries*, [19] the Supreme Court held that right to life enshrined under Article 21 includes right to livelihood. Article 21 clubs with life with liberty, dignity of person with means of livelihood without which the glorious content of dignity of person would be reduced to animal existence. Further, in the Directive Principles of State Policy Articles 39(a) and 41 require the state to secure to the citizen an adequate means of livelihood and the right to work, it would be sheer pedantry to exclude the right to livelihood from the content of the right to life.

Right to Dignity

Right to dignity is like the right to livelihood is not a separate fundamental right. The Supreme Court of India has recognized the right in the case of *Bandhua Mukti Morcha v. Union of India* and others [20]. The Supreme Court held, Article 21 assures the right to live with human dignity, free from exploitation. The state is under a constitutional obligation to see that there is no violation of the fundamental right of any person, particularly when he belongs to the weaker section of the community and is unable to wage a legal battle against a strong and powerful opponent who is exploiting him. So, now both the Central Government and the State Government are bound to ensure observance of the various social welfare and

labour laws enacted by Parliament for the purpose of securing to the workmen a life of basic human dignity in compliance with the directive principles of the state policy.

Right against Exploitation

The right against exploitation, given in Articles 23 and 24, in Part III of the Constitution, provides for two provisions, namely the abolition of trafficking in human beings and *Begar* (forced labour), and abolition of employment of children below the age of 14 years in dangerous jobs like factories, mines, etc. Child labour is considered a gross violation of the spirit and provisions of the constitution. *Begar*, practised in the past by landlords, has been declared a crime and is punishable by law. Trafficking in humans for the purpose of slave trade or prostitution is also prohibited by law. An exception is made in employment without payment for compulsory services for public purposes. In the case of *Bandhua Mukti Morcha v. Union of India* and others [21], the Supreme Court held, the Supreme Court has categorically declared that a person engaged in a work with a payment less than the Minimum Wages Act, 1948 is a beggar.

Right to Health

Just as the right to dignity and right to livelihood, right to health is not a separate fundamental right under the Constitution of India. The Supreme Court has in the case of *Parmanand Katra vs Union of India* [22], held that whether the patient be an innocent person or be a criminal liable to punishment under the law, it is the obligation of those who are in charge of the health of the community to preserve life so that innocent may be protected and the guilty may be punished. In 1995, the Supreme Court held that right to health and medical care is a fundamental right covered by Article 21 since health is essential for making the life of workmen meaningful and purposeful and compatible with personal dignity. The state has an obligation under Article 21 to safeguard the right to life of every person, preservation of human life being of paramount importance [23]. In *Life Insurance Corporation of India v Consumer Education and Research Centre*²⁴ the Court observed that social security has been assured under Article 41 and Article 47 and it imposes a positive duty on the State to raise the standard of living and to improve public health.

Right to free Legal Aid

The Supreme Court followed the same path just as

the right to dignity and right to livelihood, right to health in regard to recognition of Right to free Legal Aid as a fundamental right while it was not a separate fundamental right under the Constitution of India. In *Hussainara Khatoon & Ors vs Home Secretary, State of Bihar*, the Supreme Court has emphasized that free legal service is an inalienable element of 'reasonable, fair and just' procedure, for without it a person suffering from economic or other disabilities would be deprived of the opportunity for securing justice [25]. Apart from this, Article 39A of the Constitution of India, also provides for equal justice and free legal aid [26]. Further, *Order XXXIII. R. 18 of the Code of Civil Procedure 1908*, provides that the state and central governments may make supplementary provisions as it thinks fit for providing free legal services to those who have been permitted to sue as an indigent person. In this connection, the *Legal Services Authorities Act, 1987* provides- 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.

Right to Social Security

In the form of Directive Principles of State Policy we have included, social security as a part of Constitutional Scheme to address poverty [27]. The social justice principles are underlined in the constitution as under-

The concept of social security is based on human dignity and social justice. Social security is a basic human right and a fundamental means for creating social cohesion, thereby helping to ensure social peace and social inclusion [28]. In *Union of India v Prabhakaran Vijay Kumar* [29], the Court has admitted the fact that it is only in the 20th Century the concepts of social justice and social security, as integral parts of the general theory of the Welfare State, were firmly established. In *CESC Ltd. v. Subhas Chandra Bose* [30], the Supreme Court has categorically held that the goals of social security can be summarized as: *providing subsistence means of livelihood, reduction of poverty, attainment of more equality, a guarantee of security and a share in prosperity of nation*. The right to social security has been recognized in order to ensure means of livelihood in loss of employment or disablement during employment. In *Life Insurance Corporation of India v Consumer Education and Research Centre* [31] the Court observed that social security has been assured under Article 41 and Article 47 and it imposes a positive duty on the State to raise

the standard of living and to improve public health. The National Commission on Review of the Working of Constitution made an attempt to conceptualize the right to social security (The Report of NCRWC, Vol. II, Book 1, p. 293.). The term "Social security" is all encompassing and has wide connotations. Its dimensions are largely subjective, though in some cases objective criteria can be defined. It includes inter alia:

- *Alleviation of poverty including Elimination of hunger and deprivation.*
- *Economic and Income Security*
- *Food and Nutritional Security*
- *Social equity including gender dimensions Reaching the unreached*
- *Empowerment of people at various levels including the individual and community, and elimination of voiceless.*

Legislative Efforts Aiming at the Alleviation of Poverty

Apart from the Constitution of India, with the passage of time the government of India has come up with the following legislative measures to support the poor population of India.

1. The Employees Compensation Act, 1923
2. The Minimum Wages Act, 1948
3. The Equal Remuneration Act, 1976
4. The Right to Information Act, 2005
5. The Mahatma Gandhi National Rural Employment Guarantee Act, 2005
6. The Right of Children to Free and Compulsory Education (RTE) Act, 2009,
7. The National Food Security Act, 2013
8. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
9. The Lokpal and Lokayuktas Act, 2013
10. The Agricultural Workers' Conditions of Work and Social Security Bill, 2007
11. The Unorganized Non-Agricultural and Social Security Bill, 2007,
12. The Unorganized Non-Agricultural Workers' Conditions of Work and Social Security Bill, 2007

Strategies of Government for the Alleviation of Poverty

For the alleviation of poverty in India the government has adopted a number of strategies

among which may be categorized as follows-

- Millennium Development Goal;
- Creating scope for the generation of income of people;
- Recognition of livelihood security;
- Focus on the improvement of health with special emphasis to-
 - Eradicate Mal- nutrition
 - Improve Maternal health
- Focus on providing shelter
- Sectoral Reform
- Structural adjustment
- Paying attention to improve the condition of education. Just like the major scheme for universalization of elementary education, Sarva

Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA), Rastriya Uchha Shiksha Abiyan (RUSA) has been introduced in 2013-14.

Schemes to Promote Social Security in India

Need-based social benefit has been provided to helpless which is based assistance on public funds, raised through tax revenues. The schemes introduced by the Government of India and different state governments can broadly be categorized into:

- Schemes for the generation of income
- Schemes ensuring social security to support the poor
 - ✓ Nutrition
 - ✓ Health
 - ✓ Shelter
 - ✓ Welfare (Sectoral)

| Sl. No. | Anti Poverty Programmes | Year of Beginning | Objective/Description |
|---------|--|------------------------------|---|
| 1 | Antodaya Yojana | 1977 | To make the poorest families of the village economically independent (only in Rajasthan) |
| 2 | Swarnajayanti Gram Swarozgar Yojana (SGSY) | 1999 | Assistance is given to the poor families living below the poverty line in rural areas for taking up self employment. |
| 3 | Sampoorna Gramin Rozgar Yojana (SGRY) | 2001 | Providing gainful employment for the rural poor. |
| 4 | Employment Assurance Scheme | 1993 | To provide gainful employment during the lean agricultural season in manual work to all able bodied adults in rural areas who are in need and desirous of work, but can not find it.. |
| 5 | Pradhanmantri Gramodaya Yojana (PMGY) | 2000 | Focus on village level development in 5 critical areas, i.e. primary health, primary education, housing, rural roads and drinking water and nutrition with the overall objective of improving the quality of life of people in rural areas. |
| 6 | National Rural Employment Guarantee Scheme (NREGS) | 2006 | To provide legal guarantee for 100 days of wage employment to every household in the rural areas of the country each year, To combine the twin goals of providing employment and asset creation in rural areas |
| | Anti Poverty Programmes | Year of Beginning | Objective/Description |
| 7 | Swarnajayanti Shahari Rozgar Yojana (SJRY) | 1997 | It seeks to provide employment to the urban unemployed lying below poverty line and educate upto IX standard through encouraging the setting up of self employment ventures or provision of wage employment. |
| 8 | Antodaya Anna Yojana | 2000 | It aims at providing food securities to poor families. |
| 9 | National Housing Bank Voluntary Deposit Scheme | 1991 | To utilize black money for constructing low cost housing for the poor. |
| 10 | Integrated Rural Development Programme (IRDP) | 1980 | All Round development of the rural poor through a program of asset endowment for self employment. |
| 11 | Development of Women and Children in Rural Areas (DWCRA) | 1982 | To provide suitable opportunities of self employment to the women belonging to the rural families who are living below the poverty line. |
| 12 | National Social Assistance Programme | 1995 | To assist people living below the poverty line. |
| 13 | Jan Shree Bima Yojana | 2000 | Providing insurance security to people below poverty line. |
| 14 | Jai Prakash Narayan Rojgar Guarantee Yojana | Proposed in 2002 - 03 budget | Employment Guarantee in most poor districts. |
| 15 | Shiksha Sahyog Yojana | 2001 | Education of Children below poverty line. |

Schemes for the Generation of Income

Eradication of poverty remains a major challenge of planned economic development. With the progress of time, after independence, the government of India has adopted a number of program to eradicate poverty from India. A brief discussion has been presented as under: [32].

Programs for Supporting the Poor

Article 41 imposed duty on State to public assistance basically for those who are sick and disable. The programme intends to protect poor and destitute persons in events of insecurities during old-age, death of the breadwinner and maternity. *Schemes ensuring social security to support the poor may be categorized as follows:*

- ✓ Nutrition:
- ✓ Health
- ✓ Shelter
- ✓ Welfare

Schemes Ensuring Welfare for the Poor

With the progress of time the government has come up with a number of schemes to help the poor which are as under-

- *Varishta Pension Bima (2003)*: On July 14 when the Varishta scheme was formally notified. Latest reports say that the scheme has attracted 34,000 subscribers, a number that does not seem particularly large considering the fanfare that marked its introduction. The scheme has been launched through the Life Insurance Corporation of India. For the present there is no proposal to entrust the scheme to any other agency. The Government will subsidise LIC the extent of shortfall between what it earns on the corpus and what it pays. This scheme has been planned for unorganized workers aged 55 and above.

- *Unorganized Sector Workers Social Security Scheme (2004)*: This is a scheme available for unorganized and self-employed workers drawing salary/wage/income of not more than Rs. 6500 p.m. The scheme includes three benefits; old-age pension scheme, personal accidental health insurance and medical insurance, Schemes for Handloom Weavers and Artisans to guarantee social security coverage like thrift fund scheme, new insurance scheme, group insurance scheme, pension plan scheme to weavers. The Scheme has no statutory backing hence has had contribution from employers.

- *'Rashtriya Krishi Bima Yojana'* (This was introduced in 1999- 2000. Under it, the small and marginal farmers are entitled to a subsidy of 50% of the premium charged); *'Farm Income Insurance Scheme'* (This was introduced from Rabi Crop 2003-2004. It provides income protection to the farmers by insuring both production and market risks. Presently this scheme covers only wheat and paddy.). This particular scheme provides cashless health insurance cover upto 30,000/- for the families of the unorganised sector workers below poverty line.

- *'Varsha Bima'*: The Varsha Bima was introduced in 2004. it covers anticipated shortfall in crop yield on account of deficit rainfall. Against this backdrop "Varsha Bima", providing insurance protection against deficit rainfall is an efficient risk mitigation tool securing the financial interest of the farming community. Although there is no way of controlling weather-factors, there is now a hope of mitigating the adverse financial effects that weather can have on the rural economy, particularly farm incomes.

- *Janashree Bima Yojna*: The NABARD (National Bank for Agriculture and Rural Development) in collaboration with the LIC has launched the Janashree Bima Yojna for women of self- help groups between 18- 60 years under which the policy holder will be required to pay Rs. 100 per year as premium while the Central government's social security Fund will pay Rs. 100/- as premium. In case of a natural death of a policy holder, her family will get Rs. 20,000/-. However in case of accidental death, the family will be given Rs. 75,000/-. Moreover, Rs. 100/- per month will be given as scholarship if the policy holder's child is studying in classes IX- XII. This particular plan is for the persons in the age group of 18-60 years and living below or marginally above the poverty line,

- *"Aam Aadmi Bima Yojna"* (having coverage of Rs.30,000/- in case of natural death, Rs. 75,000/- in case of accidental death; Rs. 75,000/- in case of loss of limb in addition to which a monthly scholarship of Rs. 100/- for each of two students from each family if they are studying from class 9- 12 in collaboration with the Central Government through LIC for the landless farmers in the state.

- *'Krishi Shramik Suraksha Yojana'* : This scheme was launched in 2001 and provides life insurance protection, periodical lump sum survival benefits and even pension to those who are between 18- 50 years. Under the Scheme, the worker is required to pay one rupee per day while the Central Government contributes two rupees per beneficiary. Under this scheme funds are not released to the State governments as the Central share has been

automatically credited to the LIC from the Social Security Fund on the basis of the workers covered and premium deposited. The Social Security Scheme, *Krishi Shramik Samajik Suraksha Yojna - 2001* launched in July last year through the Life Insurance Corporation of India in fifty selected districts intends to cover 10 lakh agricultural workers over a period of three years. The Scheme has provision of life-cum - accident insurance, money back, pension and superannuation benefits.

- *Kisan Credit Card*: The West Bengal State Co-Operative Bank in collaboration with the National Insurance Company has entered into a master policy contract on 30th April, 2008 which enables the farmers having the Kisan Credit Card to enjoy the accidental claim upto Rs. 50,000/- Again, the state has also introduced in which the premium will be paid by the government against which the respective farmer will have a coverage of Rs. 20,000/-.

Schemes Addressing the Health of the Poor

- *Rashtriya Swasthya Bima Yojana* scheme envisages provision of issuance of smart cards to the beneficiaries to facilitate cashless transaction upto Rs.30,000/-. The coverage of the *Rashtriya Swasthya Bima Yojana* has been extended to construction workers, street vendors, railway porters & vendors, MGNREGA workers, domestic workers and beedi workers.

- *Indira Gandhi Matritva Sahyog Yojana*: To improve maternal and child health, the Cabinet Committee on Economic Affairs on introduced the *Indira Gandhi Matritva Sahyog Yojana* — a monetary scheme for pregnant women and lactating mothers — on a pilot basis in 52 districts in this Five-Year Plan. Each pregnant and lactating woman will receive Rs. 4,000 in three instalments between the second trimester of pregnancy until the child is six months old. Each beneficiary has to open an individual account (if she does not have one already) in the nearest bank or the post office for cash transfer.

- *Janani Suraksha Yojana (JSY)*: It was launched in 2005 with an objective to increase institutional deliveries. Under the scheme, the government provides a cash incentive for pregnant mothers to have institutional births as well as pre- and ante-natal care. The JSY primarily aims at promoting institutional delivery while NMBS component (payment of Rs.500/-) within the Scheme is fairly limited. According to the October 2006 JSY guidelines, all women in Low Performing States (LPS) receive cash assistance if they have their baby in a government health centre or

accredited private institution. In rural areas they receive Rs.1400 and in urban areas Rs.1000. The money is to be dispersed at the time of delivery in the institution. The cash assistance to the mother is mainly to meet the cost of delivery. Under JSY, below poverty line pregnant women above 19 years of age also receive Rs. 500 cash assistance for their first two births if these deliveries are at home. The cash is to be given at birth or around 7 days before for “care during delivery or to meet incidental expenses of delivery.”

- *Ayusmati Scheme*: The aims of the *Ayusmati Scheme* are to increase the number of institutional deliveries by partnering with private sector facilities empanelled against certain pre-determined criteria. To ensure quality of service delivery in the empanelled private sector facilities by stringent monitoring and supervision.

Schemes Ensuring Nutrition of the Poor Children

- *Mid-day Meal Scheme*: The *Mid Day Meal Scheme* is a multi-faceted programme of the Government of India, among other things, seeks to address issues of food security, lack of nutrition and access to education on a pan nation scale. It involves provision for free lunch on working days for children in Primary and Upper Primary Classes in Government, Government Aided, Local Body, Education Guarantee Scheme (EGS) and Alternate Innovative Education (AIE) Centres, Madrasas and Maqtabas supported under *Sarva Shiksha Abhiyan* and *National Child Labour Project (NCLP)* Schools run by Ministry of Labour. The primary objective of the scheme is to provide hot cooked meal to children of primary and upper primary classes with other objectives of improving nutritional status of children, encouraging poor children, belonging to disadvantaged sections, to attend school more regularly and help them concentrate on classroom activities, thereby increasing the enrollment, retention and attendance rates.

Shelter for the Poor

- *Indira Awas Yojna*: *Indira Awas Yojana* is a social welfare programme, created by the Indian Government, to provide housing for the rural poor in India. It is one of the major flagship programs of the Rural Development Ministry to construct houses for BPL population in the villages. The houses are allotted in the name of the woman or jointly between husband and wife. The construction of the houses is the sole responsibility of the beneficiary and

engagement of contractors is strictly prohibited. Sanitary latrine and smokeless chullah are required to be constructed along with each IAY house for which additional financial assistance is provided from Total Sanitation Campaign and Rajiv Gandhi Grameen Vidyutikaran Yojana respectively. This scheme, operating since 1985, provides subsidies and cash- assistances to people in villages to construct their houses, themselves.

- *Rajiv Awas Yojna*: Rajiv Awas Yojana (RAY) [33] envisages a "Slum Free India" with inclusive and equitable cities in which every citizen has access to basic civic infrastructure and social amenities and decent shelter. The scheme is applicable to all slums within a city, whether notified or non-notified (including identified and recognised), whether on lands belonging to Central Government or its Undertakings, Autonomous bodies created under the Act of Parliament, State Government or its Undertakings, Urban Local Bodies or any other public agency and private sector. It is also applicable to "urbanized villages" inside the planning area of the city, urban homeless and pavement dwellers.

National Social Assistance Programme (Nsap)

Keeping these issues in mind the central government has introduced the National Social Assistance Programme (NSAP) w.e.f. 15-8-1995 which includes the followings-

- *The National Family Benefit Scheme*: It is a family benefit scheme. If the bread earner of the family dies accidentally or naturally, it is given to the nominee. Followings are the features of the scheme-

- i. The primary breadwinner will be the member of the household (male or female) whose earnings contribute the largest proportion of the total household income.
- ii. The death of such a primary breadwinner should have occurred while he or she is in the age group of 18 to 64 years i.e. more than 18 years of age and less than 65 of age.
- iii. The bereaved household qualified as one below the poverty line according to the criterion prescribed by the Govt. of India.
- iv. Rs. 5,000/- (Rupees five thousand only) in the case of death due to natural causes and Rs.10,000/- (Rupees ten thousand only) in the case of death due to accidental causes will be the ceilings for purpose of claiming Central Assistance.
- v. The family benefit will be paid to such surviving

member of the household of the deceased who, after due local enquiry is determined to be the head of the household (House-hold include spouse, minor children, unmarried daughters and dependent parents).

- vi. Claims shall be entertained only if the person is residing in the Mandal for more than 3 years;
- vii. Not applicable if the deceased person has a son of more than 17 years.

- *National Old Age Pension Scheme*: Rs. 1000/- (Rupees one thousand only) per month per beneficiary.

- i. The age of the applicant (male or female) shall be 65 years or higher.
- ii. The applicant must be a destitute in the sense of having little or no regular means of subsistence from his/her own sources of income or through financial support from family members or other sources.

In order to determine destitution, the criteria, if any, currently in force in the State Govt. may also be followed.

- *National Maternity Benefit Scheme*: Under NMBS there is a provision for the payment of Rs. 500 per pregnancy to women belonging to poor households for pre-natal and post-natal maternity care upto first two live births. The benefit is provided to eligible women of 19 years and above. The Scheme is redesignated as Janani Suraksha Yojna in which targeted women in BPL households are provided cash benefits of up to Rs. 1300 in rural areas and up to Rs. 800 in urban areas for ante-natal care and institutional deliveries.

Poverty Alleviation under 2014- 15 Union Budget

- In terms of urban development, the Ministry of Housing and Poverty Alleviation revised down its budget estimates Rs 1,208 crore;
- The allocations for the much hyped Rajiv Awas Yojana also saw a major cut of 38 %.
- Increment in the number of days from 100 to 150 no. of days work for the Tribal people under the MGNREA.
- The National Social Assistance Programme (NSAP) had been budgeted Rs. 10618 crore has been provided for this programme.

Conclusion

Thus, it is quite noticeable that the government

of India at it's best trying to eradicate poverty. The initiatives of the government may be looked as insufficient but the efforts are admirable when we see the bold programmes like MGNREGA; National Food Security Act, 2013 etc. if the implementation mechanism is made more vigilant and corruption goes out from the country, the poor also will start living with a smiling face.

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15. "forced or compulsory labour" shall not include: (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention; (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors; (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations.
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26. "The State shall secure that the operation of the 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 any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."
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