

## **CHAPTER –X**

### **Directive Principles of State Policy and Social Justice**

#### **10.1 Genesis of the Directive principles of State Policy**

Beginning from the Councils Act of 1861 down to the Government of India Act, 1935, there had been no explicit provision of Directive Principles of State policy. In the Government Act, 1935, there can be found provisions relating to the Directive Principles of State Policy only by implications. According to Dr. B.R. Ambedkar “Instrument of instructions” issued to the Government of the Provinces and the Governor-General in India had in section 53 and 13 of the Government of India act 1935, respectively can be regarded as the Directive Principles of State Policy as we find in Part IV in the Constitution of India.

The Directive Principles of State Policy, contained in Part IV, Articles 36-51 of the Constitution, constitute the core interesting and enchanting part of the Constitution. They have been described as the most novel feature of our constitutional government. The principles are basically presented with modern western liberal philosophy which considers that the object of a modern democratic society should be a “Welfare state” , which is called a social service state by Laski. The directive principles aim at making India such a state where full justice will be thrice to people and people will be protected against inequality, insecurity, exploitation, violence and discrimination in any form and in any way.

Many scholars of political science believe that the Directive Principles of State policy is a borrowing from the Constitution of the Irish republic which contains a chapter on Directive Principles of State Policy by the Irish Constitution in regard of the Directive Principles of State Policy as they were guided by the hopes, aspirations and ideals to make India a state Free from injustices and discrimination. Their aim perhaps was to develop India into a welfare state.

The Directive Principles is an important part of the Constitution. They are a set of positive directives upon the state to adopt measures in order to transform India

into a secular and socialist democracy. Glodwill opined in this respect that Fundamental Rights are institutions to prohibit the government from doing certain things and the directive principles are affirmative instructions to the government to do certain things. The Directive Principles contains the philosophy of the Constitution. They are interpreted as broad Directives given to the state in accordance with which the legislative and the executive powers of the state are to be exercised.

The constitution framers wanted to firmly establish social justice in India, and to achieve their goal they envisioned the Directive Principles and included them in the Constitution though they are non justiciable . Through the successful implementation of the Directive Principles India seeks to secure an egalitarian society. The framers of the constitution were not satisfied with only political justice, their aim was to ensure people social and economic justice; and so they sought to combine political justice with social and economic justice.

Many scholars appreciated the value of the Directive Principles. Sir B.N. Rau regards them as novel precepts' with an added value. Dr. Ambedkar considered them as powerful instruments for the transformation of India form a political democracy into an economic democracy. The spirit of the Directive Principles is the achievement of social justice and protection of rights and human dignity. In the realm of the dominance of coalition politics in India. We have seen that many of the Directive Principles have been to implement and shape India into a welfare state. The Directive Principles embody the aims and objects of the country under the republican constitution, i.e., that it is a welfare state and not a mere police state.

## **10.2 India's Welfarism through Directive Principles of State Policy**

India seeks to secure a welfare state. Its aim is to bring about socio-economic changes in society. India's welfarism consists in its role as an instrument of socio-economic changes. It presupposes the extension of sphere of its activity. India as a state seeks to preserve and maintain law and order and to provide conditions to promote the maximum good of the maximum number of people.

The Preamble, Directive Principles of State Policy and Fundamental rights combined to give shape to India's announcement and commitment of the welfare of all the members of the society. India aims at promoting human welfare protecting human rights. Directive Principles of State Policy, if implemented will pave the way for India to secure an egalitarian society and to render to people economic, social and political justice.

Since the adoption of the Constitution in 1949 the union government has been trying to implement the Directives as initiated in its Part IV of the Constitution. Articles 34-51 in order to provide for the social and economic security of people of the country by means of pensions, social security benefits, free health care have enunciated and many other welfare programs for conferring social justice. The Directive Principles form the basis of the very comprehensive political, social and cultural programme of India. The Constitution announces the commitment of India to democracy and hence, the state has adopted a number of programmes, derived from and based on the directive principles of state policy to eradicate illiteracy, to universalise education for childcare, to guarantee equality to politics, to prohibit discrimination on grounds of religion, caste, race, colour, class, family or sex to ensure equality to all in matter of opportunity, to provide medical facilities, to alleviate poverty and finally to stop exploitation, oppression and violence.

As a welfare state India has established health ministry to provide the health of the people. It has undertaken curative as well as preventive measures to stop to promote health, to provide ministry support to reduce child-death, the risk and danger of maternity. The government grants maternity leave and maternity pay on humanitarian ground and as a step to ensure human right. The government has established primary health centre under every block and medical facilities are being extended to people. Even those who belong to the Below Poverty Line (BPL) category are provided with free medical facilities. India has already marched far ahead with the step to establish economic and social democracy which is enunciated in the Preamble.

The Constitution of India makes elaborate references to the welfare idea in directive principle of state policy. Twenty-fifth Constitution Amendment clearly indicates the importance of the Directive Principles. In different cases, the Supreme Court had to have resort to clauses of Directive Principles. The Government of India and the state legislative machinery are trying to implement many of the provisions of the Principles, as for example, Minimum Wages Act was processed to implement provisions of article 43 which states that “the state shall endeavour to secure living wages, a decent standard of life and full employment and leisure and social and economic opportunities”. The Employees Provident Fund Act, 1962 was passed in conformity with article 41 which declares that the state shall make effective provision for security the Right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved work. Article 42 is concerned with just and humane condition of work and maternity relief which are intimately related to the question of human rights, security and dignity. Free primary education legislations have been passed in some states in conformity with Article 45 which directs the state to provide for free and compulsory education of children up to the age of 14. These are welfare measures in the country to prohibit and prevent exploitation of children below the age of 14 and to restrain many agencies and organisations or institutions from engaging them in hazardous works or jobs.

India's welfarism is clearly indicated by its commitment to socialism. The preamble declares that the state should strive to establish socialism to secure equality, equal opportunity, social security and human dignity to all. Article 38 declares that the state shall strive to promote the welfare of people by security and protecting a social order permeated by social, economic and political justice. Article 39 directs the state to secure a social order for the promotion of welfare of the people. The state shall direct its policies towards security (i) that the citizens have the right to an adequate means of livelihood, (ii) that the ownership and control of the material resources of the community are so distributed as to subserve the common welfare (iii) that the operation of the economic system does not result in the concentration of wealth and means of production to the

common detriment, (v) that there is equal pay for equal work for both man and women, and (vi) that childhood and youth are protected against exploitation.

India as a welfare state performs a number of social services. Illiteracy is a curse to a nation. The governments' lack of initiative and effort to eradicate illiteracy may be interpreted as the government's failure to provide justice to people and to bring about changes in society which is indispensable for social development. The government has adopted many steps to eradicate illiteracy and to do away with such customs and practices which are detrimental to the principle of social security and justice. The government must not allow anything that amounts to the denial of human rights and dignity and the physical and psychological or mental security of an individual or a class or a community. The government of India has brought about a silent revolution without much fanfare and publicity by introducing a number of measures like abolition of child marriage, encouragement of widow marriage, promotion of inter-caste marriage, elimination of dowry system and the pursuit of secularism as a constitutional, social and political ideal.

We cannot ignore the importance and value of the implementation of Directive Principles of State Policy even to the least extent to translate welfarism into a reality in our society because our practical experience reveals the idea, in the case of India, of interdependence of welfarism and directive principles. India cannot ensure distributive justice to the poor and weaker sections of the society without legislation on some items of directive principles. In the cases *Comptroller vs Jagannathan*, 1987<sup>53</sup>, *Mukesh vs state of M.P* 1985<sup>54</sup> and *Laxmi*

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<sup>53</sup> *Comptroller vs. K.S. Jagannathan* ACT: Art. 226 – Powers of court – Writ of Mandamus – Issuance of – To direct Government / public authority to exercise its discretion in a particular manner . Articles 16 (4) , 46 and 335 – Qualifying examinations for promotion – Relaxation of standards in the case of Scheduled Caste/ Tribe candidates – validity / permissibility of – whether to be consistent with efficiency of service . The Comptroller and Auditor General's Manual of Standing orders ( Administrative ) Volume 1, Chapter v , paras 195 , 197, 198, 199 & 207 – Subordinate Accounts Service Examination (Ordinary) – Relaxation of Standards for Schedules castes/ Tribe candidates

<sup>54</sup> *Mukesh vs. state of MP* on 13 Aug, 2002 Bench NS Hegde, BP Sing; the appellant along with his lady friend was charged under Sections 302, 307 IPC ... for having committed murder of one Ramkrishna Mishra.

Kant vs Union of India, 1987<sup>55</sup> the Supreme Court has directed the government and administrative authorities to adopt positive steps to redress public grievances arising out of their failure to implement directive principles. The directions of the court lead them to the implementation and enforcement of the laws already legislated. The government has accordingly made laws to protect people's rights, to guarantee equality and to render justice to the weaker section in the society.

### **10.3 The 42nd Amendment Act and the Importance of Directive Principles**

Before we move into the core areas of impact of 42<sup>nd</sup> Constitution Amendment Act upon the Directive Principles, we must delve into different issues like the precedence or priority aspect of the two components of our Constitution—the Fundamental Rights and the Directive Principles of State Policy. In view of the aspect of non-justiciability of the Directive Principles, the priority of Fundamental Rights to Directive Principles, in other words, the differences between the two, the constitutional importance of the 24<sup>th</sup> and 25<sup>th</sup> Constitution Amendment Acts in influencing subsequent legislations on Directive principles in order to render social justice and secure social security cannot be and the Keshavananda Bharati case are all historically connected.

Dr. D.D. Basu, in his immaculate style of presentation said, From the standpoint of the individual, the difference between Directive Principles and Fundamental Rights is that between justiciable or non-justiciable rights – a classification which has been adopted by the framers. Thus though the Directives under Article 43 enjoins on the State to secure a living wage by means of an action in a court, so long as it is not implemented by appropriate legislation. In other words the courts are not competent to compel the Government to carry out any Directive,

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<sup>55</sup> Laxmikanta vs Union of India 11 April, 1997 order. Leave granted. We have heard counsel on both sides. This appeal, by special leave, arises from the judgment passed by MP High Court at Jabalpur Branch on Nov. 23 1995.

The appellant is a manufacturer of tooth paste, using tobacco as one of the ingredient therein. The Govt. exercising power under Sections 33 DDE of the Drugs and Cosmetics Order Act, 1940, issued notifications

e.g., to provide for free compulsory education within the time limited by Art. 45 or to undertake legislation to implement any of the Directive Principles.

It may be observed that the declaration that made in part IV of the Constitution are in many cases of a wider import than the declaration made in part III. Hence, the question of priority in case of conflict between the two classes of provisions may easily arise.

The foregoing general proposition, laid down by the Supreme Court in 1951, must now, however, be read subject

**Dr. Basu went to the length of saying...**, by subsequent amendments, the scope of Fundamental Rights has been narrowed down by introducing certain exceptions to the operations of fundamental rights, namely, Articles 31A, 31B, 31C, 31D.

Of these, Articles, 31A, 31C, are exceptions to Fundamental Rights enumerated in Articles 14 and 19; this means that any law falling under the Ambit of Article 31A ( e.g., a law for agrarian reform) , or Article 31C ( a law for the implementation of any of the Directive Principles contained in PartIV of the Constitution), cannot be invalidated by any court on the ground that it contravenes any of the Fundamental Rights guaranteed by Article 14.

By the 42<sup>nd</sup> Amendment Act, 1976, a countervailing factor has been introduced, namely the Fundamental duties mentioned in Article 51A

The 42<sup>nd</sup> Amendment Act has increased the number of directives and attaches importance to the Directives. It has added directions to part IV of the constitution to provide for (i) free legal aid to the economically backward classes, (ii) participation of workers in the management of organisation engaged in any industry, (iii) protection and improvement of environment and safeguarding forests and wild life. Thus the importance of the Directives is day by day increasing in order to establish a socialist, egalitarian and just state.

The Directive Principles of State Policy constitute a comprehensive blue print of social goals—the goals to establish social justice in India. They enshrine the

fundamentals of a social welfare state for the materialisation of the ideals and aspirations to which India is committed. Though they are non-justiciable and subordinate to the fundamental rights as it is outwardly seen, their importance and signification as the integral part of the Constitution cannot be ignored or denied. It has sometimes been seen that the Supreme Court has taken the help of the spirit and maxims of the Directive Principles in explaining and clarifying any of the articles under the Fundamental Rights if these meanings and implications appear to be inadequately expressed.

The Directive Principles are expressive of the goal of India policies, which is to establish a welfare state, which is envisaged in the Preamble to the Constitution of India. They lay emphasis on social welfare, social justice, social security, economic justice, human rights and dignity, crusade against exploitation, tirade against violence against human and other pro-people policies which can alone be rendered into realities if they are properly implemented and enforced. Their implementation is believed to herald a new social order in Indian society where everybody is expected to get food to satisfy his hunger to be rehabilitated not to die of ill-wealth, not to be exploited because of ignorance and illiteracy, not to remain unprotected against socio-economic injustices, not to be at the mercy of the whims of the executive and the legislature and not to be discriminated on any grounds. In *Keshavananda Bharati* case the Supreme Court opined that even the conditions for the exercise by each individual of his fundamental rights cannot be ensured unless and until the directives are implemented.

The significance of Directive Principles in relation to that of Fundamental Rights can be determined only by making a reference to the object of the constitution makers in making these principles an integral part of the Constitution (The Fundamental Rights and the Directive Principles constitute the conscience of our Constitution<sup>56</sup>). The purpose of the Fundamental Rights is to create an egalitarian society, to free all citizens from convention or restriction by society and to make liberty available for all. The purpose of the Directive Principles is to fix certain social and economic goals for immediate attainment by bringing about a non

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<sup>56</sup> Dr. M.V. Pylee, *Constitutional government in India*, 1984

violent social revolution. Through such a social revolution, the constitution seeks to fulfil the basic needs of the common man and to change the structure of our society. It aims at making the Indian masses free in the positive sense. Without faithfully implementing the Directive Principles it is not possible to achieve the welfare state contemplated by the constitution.

Dr. Pylee rightly says that the Directive Principles guide the path which will lead the people of India to achieve the noble ideals which the Preamble to the Constitution proclaims justice, social, economic and political; Liberty, equality and fraternity. Directive principles lay the foundations on which a new democratic India is set to be built. They stand for the minimum of the ambitions and aspiration the by the people of India, set as a goal to be readied in a reasonable period of time. Indeed, when the station India translates these principles into reaction, the country law justly claim to be welfare state.

Fundamental Rights and Directive Principles are complementary in the case of welfarism of India. The Constitution of India aims at synthesising the two principles. Their proper synthesis is sure for India to establish justice in India. They form the core of the constitution. They stand for the basic principles which aim at creating a welfare state. The two principles combined to form a charter of economic and social democracy. They assure the people what they may expect and direct the central government and the government of state to adopt welfare policies to let people enjoy democratic rights and lead a life free from injustice, exploitation, insecurity, oppression and discrimination.

#### **10.4 Implementation of directive principles to Ensure Social Protection**

The primary aim to implement the Directive Principles is to ensure social protection to the people and thus to secure the basic rights of people. The central government and state government have already implemented and enforced a number of the directive principles, as the measure to give India shape of a true welfare and socialist state. Before coalition politics taking root at the national level, the government of India become active to focus attention on the welfare of

people and on the reduction of disparity between the poor and the wealthy classes. As a first step, land reforms measures were adopted and land reforms has been implemented. In order to secure proper ownership and distribution of the wealth of the country, and the measures as abolition of the feudal zamindari system, enactment of land ceiling system act, fixation of land tenure., etc have been implemented. Land ceiling laws were passed in all the states of limit the size or amount of land an individual is allowed to keep or possess for his own cultivation and to redistribute surplus land to the poor peasants and to those who are landless. The "land to the tiller" legislation was not seriously implemented by many state governments, except CPI(M)- Led governments in Kerala and West Bengal.

In addition of these steps, the government of India adopted some positive measures to protect people against exploitation by the stronger and richer sections of the society. The nationalisation of Banks and Insurance and the abolition of privy purses have paved the way for the establishment of socialism in the country. Effects have been made to establish economic equality through five year plans. During the prime ministership of Indira Gandhi (1966-1977) the government adopted some admirable steps to eradicate rural poverty, to spread education to uproot illiteracy, to launch afforestation drive, to develop slum areas to improve the living standard of the poor worker and daily wage earners, to introduce and launch food for work programme to protect people from starvation. These were the welfare activities of the state or the government. To implement these measures the government launched Green Revolution Programme, 20-point programme, Garibi Hatao Programme, etc.

During the Prime ministership of Rajiv Gandhi a number of measures has been adopted to improve the financial condition of the farmers and workers. This was a step towards the implementation of the policy as enunciated in the directive principles of state policy. When Viswanath Pratap Singh became prime minister of India, he launched various programmes to safeguard the interest of the backward classes and the minorities. He took a bold step to implement the report of the Mandal commission. Atal Bihari Vajpayee government introduced kishan credit card to provide bank loan to farmers for the cultivation of land.

This is primarily intended to protect poor farmers against exploitation by local money lenders. All these steps were meant to realise the dream of socialism in India.

Rural economy is central to Indian economy. It is the basis of the country's economic structure. Rural economic development leads to the development of national economy. The development of rural economy depends upon the social and economic development of rural population because more than 75% people live in rural India, and agricultural farming is their primary source of income. Realising this fact the central government and the governments of the states have laid greater emphasis of the improvement of rural life and development of agriculture. With an aim to raising the standard of living, particularly of the rural population various development oriented programmes like Community Development Project (CDP), Integrated Rural Development Programme (IRDP) Swarnajjayanti Gram Swarozgar Yojna (SGSY), National Rural Employment Programme (NRED) etc. have been launched with full national force and support. The aim of these programmes is to control directly the problems of poverty, unemployment and miseries. Integrated Rural Development Programme (IRDP) which is the main instrument of the central government to alleviate the poverty of the rural poor has made some progress in the eradication of poverty. Swarnajayanty Gram Swarozgar Yojna (SGSY), introduced and launched in 2001 has emerged as the single employment programme for the rural poor and aims at establishing a large number of micro-enterprises in rural India. Mahatma Gandhi National Rural Employment Guarantee Programmes (MGNREGP), 2006 has been implemented to improve the living standard of the people.

Social protection and Social justice are almost synonymous terms. Social protection is meaningless or impossible if social justice is not established and social justice cannot prevail if people are not socially and economically protected. Social protection is related to human dignity and to the basic rights of human beings. It has assumed a wide dimension in recent times in confirming of its value and importance. Social protection for people has now become a global demand. The state of India has attributed supreme importance to the issue of social protection in its policy of governance. Since India is committed to social

welfare for people, it is an imperative for the government to ensure social protection through legislation and executive decisions. Directive principles of state policy are virtually an instrument of social protection. The government of India and the state governments stress the implementation of the Directives and by the time a number of measures have been adopted to protect people's right to work, right to health, right to education, right to shelter, right to social security and justice, right to dignity to life, etc. Provision of social protection is enshrined in Article 38 which aims at security of social order for the promotion of welfare of the people, 39 enjoining on the state to secure the ownership and control of the material resources of the community to be so distributed as to subserve the common good, 41 dealing with right to work, education and public assistance in certain cases and extending education to be provided to all concerned and public assistance to be extended in the case of unemployment, old age and sickness, 42 wanting the government to secure just and human condition of work and maternity relief, and 43 enjoining the necessity of an adequate or living wage in all sectors of economic activity of the constitution of India as a part of the directive principles of state policy. Article 43 enjoins that healthy conditions of work should be provided and a decent standard of life should be guaranteed. It also stresses the right to leisure for all working people. Social protection programmes in India consist of the programme to improve living standard of the poor (ii) targeted social security programmes meant mainly for the very poor, (iii) social security measures meant to protect the interests of disorganised or informal sector worker and (iv) social security measures meant to provide economic or financial and human security to organised or formal sector workers.

### **10.5 Implementation of directive principle—a positive step towards social justice**

In this case the court observes that denial of medical facilities by government hospital to an injured person on the ground of non-availability of beds amounts to violation of Article 21 of the constitution of India, which deals with right to live with human dignity the government ensure refuse to provide health security through medical aid to one who stands face to face with the question of life and

death. Article 45 of the constitution of India, which is an article of the Directive Principle of State Policy, directs the state to provide for free and compulsory education of children up to the age of 14. The Constitution contemplated a crash programme being undertaken by the state to achieve the goal that set the act in this article. The Supreme Court (1984) clarified that the Right to Education means that an individual has a right to call upon the State to provide educational facilities to him within the limits up to its economic capacity and development. In compliance with the courts' observance, the government of India interfaced and launched Sarva Shiksha Abhiyan (SSA = Education for ALL) to ensure the provision for education to all. The Rights to Education Act (RTE), which was enacted in 2009 and enforced from April, 2010 gave a starting base for providing education. Sarva Shiksha Abhiyan, which was launched in 2001-2002, addresses the educational right of children in the age group of 6-14 years by strengthening educational infrastructure in terms of the opening of new schools construction, renovation and expansion of school buildings and providing other amenities like text books, etc., Lakhs of children all over the country get the benefit of this right to education. This law contributes to the fulfilment of the wish contained in Article 41 after about more than half a century country of its being in the paramount parchment, like primary education desired and conceived by this Article 45, having been given the status of fundamental right by the decision of the case, Unnikrishnan J.P. Vs State of Andhra Pradesh, 1982<sup>57</sup>.

Article 47 declares that the State shall raise the level of nutrition and the standard of living and improve public health. According to this Article, it is the duty of the state to adopt necessary possible steps to ensure the improvement of public health. The Supreme Court has always recognized the right to health and being an integral part of the right to life (AIR 1982, SC 86). The principle got tested in the case of an agricultural labourers whose condition, after a fall from a running train, worsened considerably when as many as four government hospitals in Calcutta refused to admit him as there did not have been any vacant bed. The supreme court did not stop at declaring the right to health to be a

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<sup>57</sup> Unnikrishnan J.P. And others vs. state of Andhra Pradesh And others. Writ Petition ( C) No. 607 of 1992 ( under art. 32 the constitution of India)

fundamental right and at enforcing that right of the labourer by the government of West Bengal to pay him compensation for the loss suffered. It directed the government to formulate a blue print for primary health care with particular reference to treatment of patient during an emergency<sup>58</sup> (Paschim Banga Khet Majdur Samity vs State of West Bengal, 1996(4 sec 37).

Medical negligence is viewed as an offence. A doctor attending his patient cannot neglect his duty and deny his service to him/her. As far as the law of health security is concerned, the doctor who attends the patient is bound to discharge his duty and render his service to him/ her. If the doctor is found guilty of it by way of wrong treatment or dereliction of duty or indifference to emergency medical service needed for the patient, he is liable to be punished. Even the hospital authority cannot be indifferent to any patient admitted therein. Such an incident took place in AMRI Hospital in Kolkata, and in this incident both the hospital authority and the three doctors attending a woman patient, Anuradha Saha, wife of Dr. Kunal Saha, were charged with the patient's death due to medical negligence. Dr. Saha had fought a legal battle for a long period of 15 years to get justice. Finally justice was meted out to him by the Supreme Court. In a historic judgment on October 24, 2013, the Supreme Court held AMRI Hospital and three senior Kolkata doctors guilty of 'medical negligence' and directed the Hospital to pay Rs. 11.5 crores as compensation within eight weeks<sup>59</sup>.

Since the court recognises the right to health as a fundamental right and the state realised that as a welfare state it is its bounded duty to provide health security to people, the central government has adopted a number of measures to ensure health security to its citizen and National Rural Health Mission (NRHM) launched in 2005 is a remarkable and commendable health welfare programme that fits a welfare state. This programme aims at providing health security, particularly to women, children and the poor who reside in rural areas. It adopts a comprehensive approach covering vital determinants of health like nutrition, sanitation, hygiene and safe drinking water. The principal goal of this health

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<sup>58</sup> Paschim Banga khetmazdoor Samity vs State of West Bengal, 1996 (4 sec 37)

<sup>59</sup> The Statesman, May 6, 2014.

security programme it to control and reduce the mortality rate of infants and maternity, to prevent communicable and non-communicable diseases and to provide people medical facilities to be cured of diseases from which they have been suffering for lack medical facilities. The programme has been instrumental in the decline in the infant mortality rate and increase in the institutional delivery. The top achievement of this programme is that it has greatly succeeded in creating awareness in rural , ignorant, and backward people of the necessity and value of healthy life.

The judiciary is found to be active in respect of health security to people. Health is basic to life. If health is ignored in India, the state will cease to be a welfare state. Denial of healthy security stands for denial of the basic right of human beings. The Apex court contends that it is one of the primary objectives of such a state in general to recognise and accept the right to health as a fundamental right of people, and this right has been being intimately linked to the right to life since the emergence of the dominance of coalition politics in India.

Health is universally interpreted as national as well as global wealth. The world has attributed prime importance to health security as one of the agenda for social security to the people of the world. World Health Organisation (WHO) is such a unit to initiate and launch any such programme to promote health of people of the world and thus to secure health security for the world. Health security is inseparably related to social security and is an important condition for social justice. Article 45. Under Part IV of the Constitution of India states that it is a duty of the State to provide health security for people . Health security is indispensable not only for social justice but also healthy population that facilitates realisation of nation's goal. Mr. Pranab Mukherjee , President of India , emphasized intensification of effort for sustainable expansion of health care medical education infrastructure in a function at Rashtrapati Bhawan auditorium on April 30, 2014 and stated , "A successful health care system should be comprehensive in terms of its quality, availability , and affordability". He added that "India's triumph in eradicating polio from our population, our success in checking kala azar and fifty per cent decline in malaria are result that give us reason to be proud of . However, such advanced health care is most often at a

cost that is beyond the reach of common people. While the Rashtriya Swastha Bima Yojana has been efficacious to an extent development of a more comprehensive facility available for primary, secondary and tertiary health care would go a long way in providing great health security to our people"<sup>60</sup>. Hence social security is unrealizable without health security in India.

In consumer education and research Centre vs Union of India, 1995 (3 sec 42), right to health and medical care is a fundamental right under Article 21 as it is only natural for making the life of the workman meaningful and purposeful with dignity of person. Right to life also includes right to livelihood, better standard of life, hygienic conditions in workplace and leisure. In Kirloskar Brother Ltd. Vs Employees State Insurance Corporation, 1996 (2 Sec 682) and in State of Punjab vs Mohinder Singh Chowla, (AIR 1997 SC 1225) the court contended that the right to health is a fundamental right of a workmen and the amount spent towards treatment has to be reimbursed. In Vincent Parikarlagaro vs Union of India (Air 1980 SC 165), the court declared that the right to maintenance and improvement of public health is under the right to live with human dignity.

The working class in India constitutes a large chunk of Indian population. The state cannot deny its duty and liability to the welfare of this class. Any attempt to ignore the interest and security of life of workers and labourers is a gross disregard of the constitutional spirit and goal of India as a welfare state and is in contravention of the ideal and aspirations of our constitution framers. It is an important duty of the state to protect the right and interests of workers and labourers. India is declared to strive to secure social and economic justice to all irrespective of caste, class, sex, etc and to protect them against exploitation and deprivation. It is also the duty of the state to ensure healthy and human working condition for workers and also to provide laws for adequate, regular payment of wages in consistence with the nature and type of working discharged or done. The workers or labourers cannot be deprived of it, and deprivation of it will stand for exploitation and deprivation. Right to wages against works done is an inviolable right of workers. Article 38 states that the state shall strive to promote

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<sup>60</sup> 'Prez Pitches for Health Security', The Statesman , May 1, 2014

the welfare of the people and in Article 43 it is laid down that the state shall endeavour to secure a living wage, decent standard of life to all workers. The supreme court ruled (1995, 3 Sec 42) that the state cannot deny the minimum pay act in the pay scales of regularly employed workman even though the government may not be compelled to extend all the benefits enjoyed by regularly recruited employees. We are of the view that such denial amounts to exploitation of labour. The government cannot take advantage of its dominant position and complacency worker to work even as a casual labourer on starvation wages. Though 60th central government and state governments fixed minimum value of wages under the minimum wages act, 1948 for various employments under the respective jurisdiction, the central government fixes the National Floor Level Minimum Wage (NFLMW), revising it from time to time. Presently it stands at Rs 115/- per day with effect from 01.04.2011. The state governments are advised to secure that in none of their scheduled employments, the minimum wages are fixed at a level not less than National Floor level Minimum Wage.

In order to render social security and justice to people the state should strive to provide employment to them as so to enable them to earn their livelihood. The state should provide work opportunities to them to promote their economic interests the government of India has already launched several programmes to provide work opportunities to the working sections of the society. It has guaranteed them 100-day work on a yearly basis to them. Under Swarnajayanti Gram Swarozar Yojana (SGSY) financial assistance is provided to number of Below Poverty Line (BPL) families for creating income generating assets through a mix to bank credit and subsidy. To alleviate poverty is one of aims of India, for this is very positive step to provide social and human security and protection to people. Swarna Jayanti Rozgar Yojana (SVSPY) is an employment oriented urban poverty alleviation scheme. Prime Minister Employment Generation Programme (PMEGP) has been launched in order to generate self employment by providing credit linked subsidy for setting up of micro enterprises economic protection to the weaker sections of the society. The central government seeks to provide this security through enactment the Mahatma Gandhi National Rural Employment guarantee act (MGNREGA) aims at enhancing the livelihood security of people in

rural areas by guaranteeing 100 days of wage employment in a financial year to a rural family or household. The Act covers 615 districts and have provided employment of about 2900 million person days in 2010-11. The scheme also has the potential of upgrading infrastructure and increasing agricultural productivity by altering the geography of poverty, empowering women and preventing distress migration.

Indira Gandhi National Old Age pension Scheme (IGNOAPS) is social security programme launched by the central government as a welfare and human step to provide financial assistance to allow persons of the age of 65 years. So that person like them who are living Below Poverty Line (BPL) do not die of starvation. Under this scheme all citizen belonging to BPL category and above the age of 65 years are provided pension of Rs 200/- per month from the central government. In addition to it, state governments provide old pension ranging from 200/- to Rs 1000/- per month. Indira Gandhi National Widow Pension Scheme (IGNWPS) is a scheme envisaged and launched by the central government to provide financial aid to widows for their livelihood. This is a very good programme to secure social and economic security to them. Under it, pension is given to the widows aged between 45 and 65 years of age of BPL household. The pension amount is 200/- per month per beneficiary paid by the central government. The state government's contribution is also expected to provide an equal amount to the person.

The aim of our constitution framers is to establish a new social order in which justice is declared to prevent in which no one will be a victim of discrimination and in which equality will be the main goal. Article 38 of the constitution lays down the duty of the state to promote the welfare of the citizens of India by security and promoting a social order to socially and economically uplift the national life. The social economic order is tested to be built is wedded to socialism and the aim of the state as stated in the preamble is to realise a socialistic pattern of society. The Directive Principles of state policy contain the principles for the state, though not justiceable, to provide for adequate protection and relief of livelihood for all citizens with out discrimination to ensure common good through distributive justice, to ensure equal pay for equal

work without discrimination of sex, to ensure right to work, to education and for public assistance in the cases of unemployment, old age, sickness and disablement, to provide for a living wage for all workers and to ensure a decent standard of life, to adopt measures to improve health for the working class, to ensure just and human condition of work and maternity relief and finally to protect and honor human basic rights and dignity.

The Indian polity is governed by egalitarian principles and stuck to secure an egalitarian society in which the principles for equal rights, benefits and opportunities guide and direct the policies of the state. The state claims to have a civilised society with full democracy granted to all uniformly. To ensure minimum basic necessity of citizens in civilised society and to establish a democratic set up rest on social justice. To implement and translate the directives for social justice into action, the central government and state government have taken so many steps based on the directives. The government has enacted social, labour and economic legislation besides industrial, agricultural and taxation policies. It has introduced and launched different comprehensive welfare scheme (HACWS). It has two components—(i) Rajiv Gandhi Shilpi Swasthya Bina Yojna (RGSSBY) and (ii) Bima Yojna for Handicrafts Artisans (BJHA). The scheme covers the artisans' family of four comprising the artisan himself or herself and three members of family and provides for annual health package amounting to Rs 15000/- including Rs 7000/- for Outdoor Patient Department (OPD). An insurance cover of Rs 0.1 Million is also available for the personal accident, death and disability of the insured artisan. Another such welfare scheme, namely, National scheme for welfare of Fishermen and training and extension (NSNITE) has been launched. The scheme provides for coverage of accident insurance for active fisherman, development of model fisherman villages, saving-cum-relief and training-cum-extensive facilities, etc. This scheme is intended for social and economic security for fisherman whose job is risky and accident prone. It will provide financial protection to the family of a fisherman if any accident happens to his life. A scheme namely, Rajiv Gandhi Shramik Kalyan Yojna (RGSKY) to provide social safety net to insured workers rendered unemployed through retrenchment, lay off, closure and partial

disability is being implemented by ESIC by way of providing about half of the wages and medical benefits for a period of one year.

The government has introduced public insurance and provident fund schemes together with the enactment of India Tribunal Disputes Act, Bonus act, Social Security Act, etc. have provided for the welfare of the working class. Besides, minimum wages have been fixed for the working sections as already mentioned, and wage board has been set up for the settlement of wage disputes of the workers. These are undoubtedly positive steps towards social security to the working classes in our country.

Inspired by the directives enshrined in the Directive Principles of State Policy, the government has enacted a good many number of laws to implement the organization of village panchayats as a unit of self government in accordance with article 40 which is directed towards the regeneration of village panchayats. The village panchayats have become a reality with the introduction of panchayati raj institutions in the wake of the recommendations made by Balwant Raj Mehta Committee. There are two million village panchyats covering 98 per cent of the rural population. These panchayats are elected on the basis of adult franchise. They are given a number of civic functions as well as judicial powers. The village panchayats have number of participation of people in the drive for rural reconstruction as well as for social and economic justice and security to rural people. The Government has enacted the historic seventy-third and seventy-fourth constitution amendment act, 1992 to build panchayeti raj institutions as an administrative unit. Now, panchayats have been assigned 29 departments with full power so that people of village can fulfil their living standards and dreams by their sufficient support and participation. Most of the states have enacted their own state panchayat act with the same spirit of the main act and devolved funds, functions and functionaries to make panchayat as an initiation of self-government.

Democratic decentralization is one of the pillar of democracy. It tends to vest power with people and paves the way for common peoples' participation in local administration, in local area development and problems faced by people at the

grass-root level, in the adoption and introduction of local programmes to promote living standards of life of local poorer people, to promote health, to create health awareness, to create opportunities for local complement or self-employment to arrange training facilities to develop work skills among the people of lesser god, to create awareness of basic laws and basic rights of life, to eradicate illiteracy and to alleviate poverty, to strive the worker sections of rural India, and in taking the initiative of social security and justice to rural people. Panchayati raj epitomizes the trend towards decentralisation and is expected to play an effective role in facilitating and expediting human empowerment, protecting them against violence in various form and safeguarding the working classes against exploitation. It also plays an important role, as seen to promote local communication and agriculture which is the basis of rural economy. Decentralisation encourages people to participate in social welfare activities and facilitates development that enables the state to gradually ensure social security to the deprived and the disadvantages classes. The creation of an autonomous state within the Indian Union and of Panchayati Raj institutions within the state is a good illustration of decentralisation.

The 73rd and 74th constitutional amendments were passed in 1993 (separately), making it compulsory for all states to have three-tier decentralization below the state level with compulsory elections every five years to the different tires. By April 1994, all states enacted legislation, as required by the constitutional amendment, to increase power and authority with panchayats to enable them to function as institutions of self-government this includes powers to prepare and implement plans for economic development and social justice, execute schemes estimated to them by the state and central government and exercise power as delegated in subjects listed in the eleventh schedules, annexed to the advertisement and the twelfth schedule in the case of Nagar Palikas. These are mostly in the realm of economic development and social justice suitable for being effective to local bodies. Both the constitutional amendment act have provided for reservation of seats for scheduled castes and scheduled tribes population to and not less than one-third for women and reservation of posts of chairperson in proportion to the population of scheduled caste and scheduled

tribes in the state. They provide for reservation of not less than one-third of the elected seats in each panchayat for women and also reservation of not less than one-third of the number of chairperson at each level of also provides few relation of reservation for women among the constituencies.

The institution of local self government have heralded a new age for grass roots democracy in the country which is positive instrument of social justice. Iqbal Narain writes, that democracy to be meaningful and purposeful welfare the state must orient itself towards decentralisation (The Democratic Decentralization in India, Journal of Political Science, 1960). Devolution of power from the higher to lower levels is an accessory method in a democratic polity. The Panchayati Raj institutions, which act as the units of self-government at the lowest level, will ensure and is striving to ensure peoples' participation in running their own affairs and has an effective system of grass root democracy. The grassroots democracy is the Indian versions of direct democracy. It may also be called participatory democracy.

The institution of gram panchayat has been vested with a long list of power to perform welfare reactions in order to promote rural life to a newer level and secure justice to people. Apart from its obligatory (MANDATORY) function, it has discretionary functions including civic, social welfare, agricultural and development activities.

There is provision in the Panchayet Act for setting up Nyaya Panchayet (Judicial Panchyats) intended to provide speedy and inexpensive system of justice in the villages. Its jurisdiction is to try partly civil suits relating to movable property having the maximum value of Rs. 250/- and minor offences. But the state government has not permitted gram panchyats to set up Nyaya Panchayats. Nyaya Panchayats needs to set up to settle up such petty matters to bring social justice to rural people.

The Panchayati raj system in West Bengal plays a very significant role in imparting social justice and in ensuring social security to the people of the state. It has struck deep roots within twelve years of left front government regained power since 1977 and is regarded as the most sincere realisation of the

nationalist leaderships dream of gram roots democracy and rural development gram panchayets have become the principal agency for the implementation of agrarian system, notably registration of sharecroppers for purposes of tenancy reform and provision of loans and identification of beneficiaries for anti-poverty programmes. The successful role of Gram Panchayat in eradicating illiteracy, spreading education, strengthening health care system and alleviating poverty in rural India is recognised by people and the government.

The aim and objective of the constitution of India, as envisaged in the Preamble, is to secure social and economic justice to all without any discrimination and to establish economic democracy. In order to achieve this goal or objective the constitution provides for continuing facilities to help the working sections of the society to come forward and raise their standard to the level of the general body of the citizen of India. Justice, liberty, equality and fraternity are the basic pillars of the constitution and justice requires that the backward class should be elevated to the level of equality with the advanced classes to make liberty real for them. In the constitution the scheduled castes and the scheduled tribes are identified as the backward classes. The Anglo Indians have also been given some special rights in the constitution. By the constitutional amendment act of 1990 the government of India has declared reservation for those who have embraced Buddhism. The constitution enshrines various provisions for the protection of the interest of the minorities. Article 13 prohibits discrimination against any citizen on grounds of race, religion, caste and gender etc, but constitutions' special provisions made by the state for the advancement of socially, educationally and economically backward classes i.e., the scheduled castes and scheduled tribes. In other words special facilities conferred on scheduled castes and scheduled tribes cannot be turned down by the courts as being discriminatory of the right to equality. In Mondal case, the Supreme court upheld 27 percent reservation in services for backward classes, directed the exclusion of the advanced sections or the creamy layer among the backwards from the reservation quota and stressed that the reservation should not exceed per unit. The constitution had to be amended to allow Tamil Nadu to continue with the 69 per cent reservation quota.

The right to education is a constitutional (fundamental) right and is ascended to the status of fundamental rights similar to the right to life as provided by Article 21 A of the India constitution. The right of children to free and compulsory education act, and is an act to provide for free and compulsory education to all children in the age group of six to fourteen years. The right to free and compulsory education came into force on and from April, 2010. According to the act, every child in the age group of 6-14 year will be provided 8 years of elementary education in an appropriate classroom in the school of his/her neighbourhood.

According to the act, any cost that prevents a child from accessing school will be borne by the state which shall have the responsibility of enrolling the child as well as his/her completion of 8 years of schooling. No child shall be denied admission for want of documents or shall be turned away if the admission cycle in the school is over and child shall be compelled to face an admission test. Section 21 along with section 13(2) of RTE prohibits away of these screening procedures and calls for random procedures to be used for admitting a child to school. This prohibition is to apply to all schools, private or even Navodaya schools. The act restricts schools to claim special category status because it is in the screening procedures of the elementary level. Moreover if the number of children applying to a school exceeds the available seats, an open lottery system shall be used to fill the seats. This applies to all categories of schools.

Children with disabilities will also be educated at par from same schools. Section (10) of the act makes it the duty of the parents to secure that their children to schools, with out prescribing any punishment. Special provisions are laid for children not admitted to or who have not completed elementary education; a child not admitted into elementary education will be entitled to the completion of elementary education even after formative years. However, the implementation of the act will be and as one of the promises to ensure education to all the children between the age group of 6 and 14, would ??? education a whopping 22 come children, out of which nearly 11??? are out of school. For child labour and street children, the government would have to ensure that they are not completed to work and it would have to provide schools for them, ???

with residential facilities to provide them with an appropriate environment to enable them to continue their education.

On the basis of the act, no school, governmental or private, can detain, fail or expell any child of the elementary stage. An April 6, 2010, the Delhi high court passed a order against St. Xavier's School Delhi, which had to take back all the children they had declared failed and expelled from the school. The act also prescribes and stipulates standards for all the schools and school that does not fulfill these standards within 3 years will not be allowed to function. The national commission for protection of child rights (NCPCR) has been mandated to meaitor implementation of this right. The state ??? for protection of child rights (SCPCR) shall set up child helpline, accessibility SMS, helpline and letter for receiving and registering complaints. NCPCR seeks to link and network with civil society organisations for monitoring, appointing state commissions for the entrancement of the act, networking with other organisations like human rights. Work and Minorities, to set up helpline and set up a separate division for inferring the rights to education.