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## Distributive Justice-Poverty and Economic Development

V.S. Elizabeth

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# Distributive Justice—Poverty and Economic Development

V.S. Elizabeth\*

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## INTRODUCTION

Justice! Exactly what does it mean in a society where rule of law prevails, in a society that is based upon democratic and republican values? In Ancient and Medieval times the idea of justice and what was administered depended upon the status of individuals and communities in that society. To us today that would seem to be actually unjust, that people could be denied justice because of their sex, class, caste, birth etc, would seem to us to completely violate our understanding of justice. But, then today there are millions of people for whom the constitutional values of equality, liberty and fraternity mean nothing. These people live in a society in which they cannot get even two square meals a day; do not have access to clean, potable water; and do not have a roof over their heads. They watch their infants and women die due to lack of access to medical care and facilities. Have we really moved very far from those

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old societies? Formal equality does not bring about justice for all. The poor are disadvantaged groups whose rights must be implemented practically because they cannot access the judicial and constitutional machinery to make use of the equality of opportunity.<sup>1</sup> What they need is a constitutional approach that will overcome the economic disadvantages, and not make a mockery of their Right to Life, Equality and Justice under the Constitution by providing only theoretical equality of opportunity.<sup>2</sup>

#### ADDRESSING POVERTY AND ECONOMIC DEVELOPMENT IN POST-COLONIAL INDIA

For those of us living in the South Asia region poverty is not a new issue. It has been the single largest outcome of two hundred years of colonial rule and therefore the most important issue that our countries have had to address right from the time that each of the countries in the region gained their independence. As one thinker put it colonization led to “*the development of underdevelopment*”<sup>3</sup> in all the colonized countries. This resulted in India having to opt for a mixed economy rather than a free market economy. It is this planned development provided indirectly in the Constitution and practiced assiduously since independence which has made possible the decline in the numbers of people below the poverty line while at the same time enabling India to become a more developed economy in the 21<sup>st</sup> century in a matter of merely sixty-two years.

#### 1950 INDIAN CONSTITUTION

The Indian Constitution came into force on 26<sup>th</sup> January, 1950. It is the product of the Indian National Movement, a struggle against the colonial rule of Britain. During the course of this struggle people from

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1. See Equality, STANFORD ENCYCLOPEDIA OF PHILOSOPHY § 2.1 (Jun. 27, 2007) (defining formal equality as requiring that “[w]hen two persons have equal status in at least one normatively relevant respect, they must be treated equally with regard to this respect”), <http://plato.stanford.edu/entries/equality/>. This is contrasted with substantive equality, which is more egalitarian and requires that “everyone deserve[s] the same dignity and the same respect.” *Id.* § 2.3. Thus it can be said that the disadvantaged have formal equality in that the law is meant to treat them equally with others, but lack substantive equality in that their disadvantages prevent them from in fact taking advantage of rights and privileges that are afforded to the more affluent.

2. See INDIA CONST. preamble (guaranteeing to all citizens equality and justice); INDIA CONST. art. 14 (“Right to Equality”); INDIA CONST. art. 21 (“No person shall be deprived of his life or personal liberty except according to procedure established by law.”).

3. Andre Gunder Frank as cited in, Bipan Chandra, *Colonialism, stages of colonialism and the colonial state* in JOURNAL OF CONTEMPORARY ASIA, Vol. 10, Issue 3, 1980.

all walks of life participated, bringing their diverse experiences, knowledge, philosophies and values to the movement. It was many of these people who went on to become the members of the Constituent Assembly that drafted this Constitution. We can see a reflection of these diverse interests in every part of the Indian Constitution. Two hundred years of colonial rule had wrought havoc on the economy of the Indian subcontinent leading to the impoverishment of a large section of its population. Even during the course of the Indian National Movement the struggles of the peasants and the working class and therefore the questions of poverty and development had often come to the fore in the discussions of the various groups that struggled for independence from British rule—Indian National Congress, The Congress Socialist Party, The Communist Party of India, the Hindustan Socialist Republican Army, the Indian National Army etc. It is thus no surprise that these questions troubled the Constitution Makers and therefore found their way into the Constitution as well.

These same concerns continued to be the focus of the legislators and the judiciary after independence too. Thus the Supreme Court in its role as interpreter of the Constitution debated on these issues in the matters that came before it and through judicious use of the provisions of the Constitution, particularly Part IV, viz., the Directive Principles of State Policy<sup>4</sup> and Art. 21 of Part III,<sup>5</sup> has in several of its decisions discussed hereafter addressed the question of poverty.

#### PERCENTAGE OF POPULATION UNDER THE POVERTY LINE

The percentage of population below the poverty line in India in 1993-94 was 36%.<sup>6</sup> It is said that in 2003-04 it had declined to around 28%.<sup>7</sup> This last claim has been much disputed by various non-governmental organizations and others. When this is converted into actual numbers, it is arguably one-third of the total Indian population, or over three hundred million people, who are estimated to be living in poverty.<sup>8</sup> India, thus, since its independence has had to deal with the issue of poverty—the needs and interests of these millions of Indian citizens had necessarily to be addressed—questions of food, water,

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4. Arts. 36-51 entrench the “Directive Principles of State Policy.”

5. Art. 21 of the Indian Constitution (“Protection of Life and Personal Liberty”)—a cornerstone of this fundamental document—so provides: “[n]o person shall be deprived of his life or personal liberty except according to procedure established by law.”

6. See <http://indiabudget.nic.in/es2007-08/chapt2008/chap17.pdf> (last checked Feb. 2010).

7. Data are taken from the website of the Indian Ministry of Finance. See <http://indiabudget.nic.in/es2007-08/chapt2008/chap17.pdf> (last checked Feb. 2010).

8. See Census of India, 2001, available at <http://www.censusindia.gov.in/> (recording India’s population in 2001 to be 1.028 billion).

employment, housing, education, health etc. By the time the British left India in August 1947 the Constituent Assembly was already at work. This was necessarily one of the important issues that they had to grapple with and that might explain the nature and content of the Indian Constitution. The Constitution, under Part III (“Fundamental Rights”) entrenches the political and civil rights of citizens, which are justiciable. Part IV of the Constitution, in contrast, includes the *Directive Principles of State Policy*, that are in the form of instructions to the Government. These—according to the Constitution itself—are not justiciable. They nonetheless have represented the legal basis for the Indian Government’s interventions in the economy in order to bring about a more egalitarian society. In fact it used to be said that India followed neither a capitalist nor a socialist model but had a mixed economy.<sup>9</sup>

In this paper I wish to specifically look at the provisions of the Constitution itself and the decisions of the Supreme Court in order to highlight how the Constitution addresses the issues relating to poverty and the provisions that have made it possible for the kind of governmental intervention in the economy in India.

The Preamble of the Indian Constitution—which reflects the goals and objectives that were sought to be achieved through the Constitution—reflect the kind of society that was conceptualized by the members of the Constituent Assembly. Amongst other things in the Preamble the words “. . . and to secure to all its citizens:

JUSTICE, social, *economic* and political; . . .” (emphasis is mine) are included. In other words the vision for independent India was to have a society based on not only social and political, but also economic justice. So also later in the Preamble when describing equality the words used to describe it are “EQUALITY of status and opportunity.” It is these goals which are incorporated in Part IV of the Constitution as directives to the State in the making of the laws and policies for the citizens of India.

#### DIRECTIVE PRINCIPLES ELEVATED TO HUMAN RIGHTS STATUS

As I mentioned earlier Part IV of the Indian Constitution is comprised of what is called Directive Principles of State Policy.<sup>10</sup> Dr.

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9. R. Radhakrishna & Manoj Panda, *Macroeconomics of Poverty Reduction: India Case Study*, INDIRA GANDHI INST. OF DEV. RES. 4 (2006) (“India followed a mixed economy model after its independence.”).

10. See INDIA CONST. arts. 36-51. These Articles are contained within Part IV of the Constitution (“Directive Principles of State Policy”). *Id.* The Articles have the following captions: Art. 36 (“Definition”); Art. 37 (“Application of the principles contained in this Part”); Art. 38 (“State to secure a social order for the promotion of welfare of the people”); Art. 39 (“Certain principles of policy to be followed by the State”); Art. 40

B.R. Ambedkar said that “[w]hat are called Directive Principles is merely another name for Instrument of Instructions. The only difference is that they are instructions to the Legislature and the Executive.”<sup>11</sup> In fact, Art. 37 (“Application of the principles contained in this Part”) states, “The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless *fundamental* in the governance of the country and *it shall be the duty of the State to apply these principles in making laws.*”<sup>12</sup> (emphasis added is mine). However, the Supreme Court in *Air India Statutory Corporation v. United Labour Union* elevated them to human rights, describing them as forerunners of the U.N. Convention on Right to Development as an inalienable human right.<sup>13</sup> The Supreme Court has further stated in several other decisions that the Directive Principles supplement the Fundamental Rights and that Parliament can amend Fundamental Rights for implementing the Directive Principles.<sup>14</sup>

In *Chandra Bhavan v. State of Mysore*, the All Mysore<sup>15</sup> Hotels Association filed a writ petition under Art. 32<sup>16</sup> of the Indian Constitution stating that their right to equality (Art. 14) and the right to freedom of trade [Art. 19 (1) (g)] were violated by the notification issued by the Government of Mysore in 1967, fixing the minimum wage of different classes of employees in residential hotels and eating houses in the State of Mysore under the Minimum Wages Act of 1948. The High Court of Mysore had rejected all their contentions and therefore, this writ petition. The Supreme Court in response stated that Art 43 of the

(“Organisation of village panchayats”); Art. 41 (“Right to work, to education and to public assistance in certain cases”); Art. 42 (“Provision for just and humane conditions of work and maternity relief”); Art. 43 (“Living wage, etc., for workers”); Art. 44 (“Uniform civil code for the citizens”); Art. 45 (“Provision for free and compulsory education for children”); Art. 46 (“Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections”); Art. 47 (“Duty of the State to raise the level of nutrition and the standard of living and to improve public health”); Art. 48 (“Organisation of agriculture and animal husbandry”); Art. 49 (“Protection of monuments and places and objects of national importance”); Art. 50 (“Separation of judiciary from executive”); Art. 51 (“Promotion of international peace and security”). *Id.*

11. THE ESSENTIAL WRITINGS OF B.R. AMBEDKAR 490 (Rodrigues V. ed., Oxford Univ. Press 2002).

12. INDIA CONST. art. 37.

13. AIR 1997 SC 645: (1997) 9 SCC 377: 1997 Lab IC 365 paragraph 38.

14. *Chandra Bhavan v. State of Mysore*, AIR 1970 SC 2042, paragraph 13, *State of Kerala v. N.M. Thomas*, AIR 1976 SC 496, *Lingappa v. State of Maharashtra*, AIR 1985 SC 389

15. Mysore was the old name for the state of Karnataka, India.

16. INDIA CONST art. 32: “(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of rights conferred by this Part is (i.e., Part III) guaranteed. (2) The Supreme Court shall have power to issue directions or orders or writs. . . .”

Constitution, which is in Part IV, DPSP, states “the State shall endeavour to secure by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.” The Court said that the fixing of minimum wage is just the first step in that direction. It also went to state that “Freedom of trade does not mean freedom to exploit. The provisions of the Constitution are not erected as barriers to progress. They provide a plan for orderly progress towards the social order contemplated by the preamble to the Constitution.” “While rights conferred under Part III are fundamental, the directives given under Part IV are fundamental in the governance of the country. We see no conflict on the whole, between the provisions contained in Part III and Part IV. They are complimentary and supplementary to each other.” “The mandate of the Constitution is to build a welfare society in which justice social, economical and political shall inform all institutions of our national life.”<sup>17</sup>

In *State of Kerala v. N.M. Thomas*, the respondent, N.M. Thomas, contended that the rules made by the State of Kerala providing an exemption to members of the Scheduled Caste and Scheduled Tribe communities (SC & ST) from passing the required tests in order to avail of promotion in the Kerala Public Service Commission was unconstitutional and wanted the Supreme Court to issue a mandamus compelling the state to forbear from giving effect to the promotion orders for the thirty four member of the SC and ST communities. He claimed that Articles 16(1) and 16(2)<sup>18</sup> were violated and that exemption from the qualifying exam necessary for promotion was not conducive to the maintenance of efficiency in administration. The State of Kerala, on the other hand, contended that the impugned rules and orders were not only legal but support a rational classification under Article 16(1)

In arriving at the final decision, wherein the court upheld the appeal, the Court observed, “Today, the political theory which acknowledges the obligation of government under Part IV of the Constitution to provide jobs, medical care, old age pension, etc., extends to human rights and imposes an affirmative obligation to promote equality and liberty. The force of the idea of a state with obligation to help the weaker sections of

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17. AIR 1970 SC 2042.

18. INDIA CONST art. 16(1): “There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.”

INDIA CONST art. 16(2): “No citizen, shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.”

its members seems to have increasing influence in Constitutional law. . . . Today, the sense that government has affirmative responsibility for elimination of inequalities, social, economic or otherwise, is one of the dominant forces in Constitutional law.” Another judge of the same bench observed, “In view of the principles adumbrated by this Court it is clear that the directive principles form the fundamental feature and the social conscience of the Constitution and the Constitution enjoins upon the State to implement these directive principles. The directives thus provide the policy, the guidelines and the end of socio-economic freedom and Articles 14 and 16 are the means to implement the policy to achieve the ends sought to be promoted by the directive principles. So far as the Courts are concerned where there is no apparent inconsistency between the directive principles contained in Part IV and the fundamental rights mentioned in Part III, which in fact supplement each other, there is no difficulty in putting a harmonious construction which advances the object of the Constitution. Once this basic fact is kept in mind, the interpretation of Articles 14 and 16 and their scope and ambit become as clear as day.” In this case it was Article 46<sup>19</sup> of the Constitution that guided the basis on which the rules for promotion of the SC and ST communities had been framed.

Further in *Lingappa v. State of Maharashtra* the constitutional validity of Sections 3 and 4 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 was being challenged by the appellant. The question was whether Sections 3 and 4 of the impugned Act which provided for annulment of transfers made by members of Scheduled Tribes and for restoration of lands to them on certain conditions were ultravires the State Legislature as being beyond the purview of Entry 18 of List II of the Seventh Schedule or were otherwise violative of Article 14, Article 19 (1) (f)<sup>20</sup> and Article 31<sup>21</sup> of the Constitution. The Court held that the impugned Act was only a remedial measure in keeping with the policy of the State to bring about social and economic justice for the scheduled tribes in light of the attempts by more developed sections of society to deprive them of their land. They went on to say that “The

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19. Article 46 of the DPSP, “The State shall promote with special care the education and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

20. It was right to freedom to hold and possess property which was removed by the Constitution (forty-fourth Amendment) Act, 1978.

21. It was the Right to Property which was amended by the Constitution (forty-fourth Amendment) Act 1978. Both Articles 19(1)(f) and 31 were introduced into Chapter IV Article 300 A by the same Act in 1978 as “No person shall be deprived of his property save by authority of law.”

legislation is based on the principle of distributive justice.” Once again it was the reading of Article 46 with Articles 14 and 15.

It is clear from the three cases discussed above that the Supreme Court considers the Directive Principles as integral to the establishment of a just and fair society in every sense of those words.<sup>22</sup> That the Directive Principles were seen as the means to address the issues relating to poverty is also evident from what Dr. Ambedkar said, “[O]ur object in framing this Constitution is really twofold: (i) to lay down the form of political democracy, and (M) to lay down that our ideal is economic democracy and also to prescribe that every Government whatever, it is in power, shall strive to bring about economic democracy,”<sup>23</sup> Thus, it is abundantly clear, that the makers and drafters of the Indian Constitution were not content with creating a society politically free but also aimed at creating one in which all the people would be free from economic distress and all the citizens would have equal, not only opportunities, but access to all economic resources. Freedom not only from political subordination but also from economic wants. A brief overview of a few of the constitutional provisions might demonstrate how these objectives were sought to be met.

#### FUNDAMENTAL RIGHTS

Part III contains the Fundamental Rights, six of them in all—Right to Equality, Right to Freedom, Right Against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights and Right to Constitutional Remedies. In fact a seventh right, the Right to Property, was omitted by the Constitution (Forty-Fourth Amendment) Act, 1978, sec. 5 and came into effect on twentieth June, 1979. Thus, right to property is a legal right but not a fundamental constitutional right under the Indian Constitution. Under the Right to Freedom is Article 21 guaranteeing the Right to Life and Personal Liberty. It is this fundamental right which has become the basis of providing distributive justice to the many millions that are the poor in India.

Part IV contains the Directive Principles of State Policy already discussed above and Art. 38 (2)<sup>24</sup> states that “*The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in*

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22. There are numerous judgments which follow the same trend as cited by the Court itself in the cases discussed above.

23. Proceedings of the Constituent Assembly of India, Friday 19<sup>th</sup> November, 1948; available at <http://parliamentofindia.nic.in/ls/debates/vol7p9.htm>.

24. Inserted by the Constitution (Forty-fourth Amendment) Act, 1978, sec 9 (w.e.f. 20-6-1979).

different areas or engaged in different vocations.” (emphasis added is mine). Similarly in Article 39 (“Certain principles of policy to be followed by the State”) which is one of the articles containing directives, amongst other things states, “The State shall, in particular, direct its policy towards securing—(a) that the citizens, men and women equally have the right to an adequate means of livelihood; (b) *that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.*” Article 41 (“Right to work, to education and to public assistance in certain cases”), provides, “The State shall, within the limits of its economic capacity and development, make effective provision for securing 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 want.” In relation to this provision the Supreme Court in *Jacob v. Kerala Water Authority*,<sup>25</sup> stated that the Court should so interpret an Act so as to advance this article’s purpose.

As previously stated, the Right to Life is articulated in Article 21 of the Indian Constitution, which provides, “No person shall be deprived of his life or personal liberty except according to procedure established by law.” This might seem to be a pretty straightforward right with little ambiguity and therefore little possibility for any interpretation that could lead to a form of distributive justice. However, the Indian Supreme Court, through various decisions widened the scope of this Right to Life so as to incorporate interpretations that led to inclusions of right to livelihood,<sup>26</sup> “Public Trust” doctrine,<sup>27</sup> health,<sup>28</sup> housing<sup>29</sup> etc. In

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25. (1991) 1 SCC 28.

26. *Olga Tellis v. Bombay Municipal Corporation* [1985] Supp2SCR51. This writ petition was filed by the slum and pavement dwellers of Mumbai who constituted nearly half the population there. *See id.* The Bombay Municipal Corporation decided to evict them forcibly and send them back to their places of origin. *See id.* Following this decision many of their hutment dwellings were demolished. *See id.* The slum and pavement dwellers then moved the Supreme Court challenging this order of the Bombay Municipal Corporation to evict them stating that it was unreasonable and unjust to evict them without providing alternate means of dwelling. *See id.* The petitioners claimed their right to livelihood under Article 21 and claimed that the provisions of the Bombay Municipal Corporation Act sections 312, 313 and 314 were violative of Articles 14, 19 and 21 of the Constitution. *See id.* The Supreme Court upheld the contention of the petitioners. *See id.*

27. *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388 (wherein the Supreme Court enunciated the theory that certain common properties such as water, rivers, forests etc were held by the Government in trusteeship for the free and unimpeded use of the public since they are of great importance to the people as a whole and that it would be totally unjustified to make them a subject of private ownership.)

28. *State of Punjab v. Mahinder Singh Chawla*, AIR 1997 SC 1225; 1997 6 SCC 294.

addition to this category of rights which are subsumed under the Right to Life, a constitutional amendment is now contained in article 21 A making the Right to Education a fundamental right<sup>30</sup>

As we can see the scope of a political and civil right like Right to Life has been so broadened by the various judicial decisions that now the Constitution emerges as the means to ensure distributive justice to all, particularly the poor in an unequal world. This kind of judicial activism gave legitimacy, therefore, to the Government's programmes.

It is in the light of this Constitutional Mandate as reflected in the Preamble and the provisions included in Part III and Part IV and the judicial interpretations since independence that the Government of India has been pursuing a planned economy model and implemented programmes that aim to end poverty—like the Twenty Point Programme (“TPP”),<sup>31</sup> the National Rural Employment Guarantee Scheme, etc. In 1975, the then Government of India devised the Twenty Point Programme. It was revised in 1985 for the first time and finally a restructured TPP came into force in April 2007.<sup>32</sup> The two objectives of this programme then and now are eradication of poverty and improvement in the quality of the life of the common man.

The fact that the Constitution addresses the question of equality of status and opportunity and provided for guarantees has enabled the Judiciary as well as the Legislature and Executive to address the questions of poverty in India. It is the aforementioned constitutional provisions that made possible the policies of affirmative action on behalf of the poor and disadvantaged in India. If that had not happened and it was left to the market to bring it about or to the actions of individuals even the little advancement that has been made towards ending poverty in India would not have been possible.

#### SPECIAL ECONOMIC ZONES

It is to be kept in mind, of course that the Government being the product of democratic processes that are based on majority politics, is bound to change over a period of time. Given the context of globalization and liberalization the policies of the present Government of

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29. *Shantistar v. Narayanan*, (1990) 2 SCJ 10 paragraphs 8 and 13 speak of right to housing, though later in *Shankar Gauri v. Union of India*, JT (1994) 2 SCC 83 it was held that shelter is not a fundamental right.

30. Inserted by the Constitution (Eighty-sixth Amendment) Act, 2002.

31. See Twenty Point Programme (TPP)—2006, available at <http://delhiplanning.nic.in/TPP2006.pdf> (last checked Feb. 2010).

32. As of now the TPP consists of 20 points and 66 monitorable items like Poverty Eradication, Power to the People, Support of Farmers, Labour Welfare, Food Security, Housing For All, Clean Drinking Water for All, Education for All, Health for All etc. Under Poverty Eradication are basically employment generation schemes.

India are not always in consonance with the constitutional mandate.<sup>33</sup> However, the people's movements in India, despite the fact that they have to deal with the Government and business groups have resisted some of the attempts that might have further impoverished them. The movement against the Special Economic Zones ("SEZs") is an example of this.<sup>34</sup> There has been much criticism of this policy of the Government and opposition to it from the farming community as in many instances the Government has acquired fertile cultivable lands, either through playing on the ignorance of the farmers or by using force, at heavily discounted prices. Rather than ending poverty these SEZ's would only aggravate the conditions in which many of the small farmers live, adding to the ranks of the poor. Many of the amendments that have already taken place and some that are still on the anvil and a few recent judgments all seem to be moving away from the vision that the members of the Constituent Assembly had and the way the Government of India and the Judiciary approached economic issues and poverty till the 1990's.

Thus even this constitutional protection to the poor seems to have been eroded in the face of the power of the market forces. How then is an egalitarian society to be brought about? One would have thought that Constitutional Safeguards were sufficient in a democracy. In a way it is still valid when one considers the recent electoral results and the reelected Government's commitment to the eradication of poverty and the economic problems of especially the rural population. Today India is following the capitalist model by and large together with a planned economy. With such a large part of the population below the poverty line there can be no other way out for India but for constitutional

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33. In fact governments today "are essentially for the markets, by the markets and of the markets" Editorial, "Nandigram II—Beyond the Immediate Tragedy," <http://epw.in/epw/uploads/articles/10387.pdf>

34. The protest by the people of Nandigram in West Bengal is one example of this. "Nandigram, What happened?" editorial, EPW, vol. 42, no.02 (Jan13-19, '07). The Government of India in 2000 decided to create the SEZ's. See Aradhna Aggarwal, "Special Economic Zone, Revisiting the Policy Debate," EPW, 41 (43&44) 2006. The basic objective was to enhance foreign investment and promote exports from the country. *Id.* These would be deemed foreign territory for the purposes of trade operations, duties and tariffs. See *id.* More than 500 SEZ's were proposed, as of now about 220 have been created. See *id.* Many developing countries set up such zones with the hope that they would "propel" industrialization. See *id.* However, there is "no conclusive evidence regarding the role of the zones in the development process of a country. . . . The writings, so far, on the subject indicate that some countries have been able to make some 'dynamic and static gains' while many others have not." *Id.* Though India was the first Asian country to take the free zone initiative as early as in 1965, the share of the SEZs in exports was only 5% in 2004-05, they accounted for only 1% of factory sector employment and 0.32% of factory investment. *Id.* "Their contribution to regional economies has also been limited." *Id.*

interventions. The fact that the scope of Right to Life has been broadened to include provision of basic facilities to the people through judicial decisions because of the Right to Constitutional Remedies which is a fundamental right means that Constitutional means are still available to deal with poverty.

#### MILLENNIUM DEVELOPMENT GOALS

The Millennium Development Goals (“MDGs”) are international development goals that the United Nations member states and international organizations have agreed to achieve by 2015. Drafted in 2000, the MDGs were intended to be an effort “*to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty.*”<sup>35</sup>

#### CONCLUSION

As Mary Robinson put it, “*Another world is possible. . . . [I]t is time that the world comes together around the conviction that realizing human rights is our best strategy for ending poverty and ensuring a life of dignity for all.*”<sup>36</sup> What better way to uphold the human rights of the marginalized and poor citizens than through the Constitutional framework? The Constitution of India encapsulates both the civil and political rights as well as the social and economic rights. Working through the Constitutional framework is the most democratic means to ensure that all citizens have an equal share of resources within the State and therefore are given the means by which to live with dignity. This will be possible only if we will not subvert the Constitution.

The Constitutional framework can be the best way out of poverty for every single country of this world. It provides the goals, the mechanisms and the legitimacy to carry this out. After all, the end goal

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35. <http://www.undp.org/mdg/basics.shtml>. They are divided into the following eight goals: (1) eradicate extreme poverty and hunger; (2) achieve universal primary education; (3) promote gender equality and empower women; (4) reduce child mortality; (5) improve maternal health; (6) combat HIV/AIDS, malaria and other diseases; (7) ensure environmental sustainability; and (8) develop a global partnership for development. *Id.* In regards to India’s progress in achieving the MDGs, it has been reported that India’s role in poverty reduction is one of the leading factors in the global reduction of poverty. See [http://www.mdgmonitor.org/factsheets\\_00.cfm?c=IND](http://www.mdgmonitor.org/factsheets_00.cfm?c=IND). The Indian government has launched programs to help achieve not only the UN MDGs, but their own targets of human development. Many of these human development programs focus their missions around the MDGs. Specifically, the National Rural Employment Guarantee Scheme, which has annual allocation of \$2.5 billion, guarantees 100 days of work to every household. <http://nrega.nic.in/netnrega/home.aspx>.

36. Mary Robinson, *Human Rights, Best Solution to Poverty*, DECCAN HERALD, Jan. 17, 2005.

of pursuing a constitutional method is justice. Pursuit of violent, revolutionary means has not ended poverty in all these years. As states that seek to observe the rule of law and pursue constitutional methods to resolve all disputes and pursue all goals it might be but appropriate at the end of the first decade of this century for us to examine how the Constitution can be used to end poverty in our countries.

