

## CHAPTER-4

### LEGAL EFFORTS FOR POVERTY REDUCTION: NATIONAL PERSPECTIVE

#### 4.1 Introduction

Poverty reduction has been one of the major goals of development planning since independence and the planning process has been sensitive to the needs of the poor. Accordingly, the development efforts have been directed in creating adequate livelihood and provision of services for a better quality of life for the poor. It is recognised that poverty is an outcome of multiple deprivations and it is not simply a matter of inadequate income but also a matter of low literacy, short life expectation and lack of basic needs such as drinking water. Since these deprivations are inter-related, a comprehensive approach alone can eliminate poverty and ensure optimal utilisation of human resources for sustainable development. Thus, multi-pronged and convergent approaches with proper targeting are deemed essential for elimination of poverty. It is also recognised that poverty is not only an economic phenomenon but also a social one. Well designed poverty alleviation programmes, if effectively implemented, not only supplement the poverty reducing effects of growth but also could promote pro-poor growth.<sup>1</sup> Several poverty alleviation programmes have been in place for a long time now. The programmes and schemes have been modified, consolidated, expanded and improved over time. The targeted programmes fall into four broad categories: (i) self-employment programmes, (ii) wage employment programmes, (iii) direct cash transfers to the targeted groups and (iv) public distribution system. There are numerous centrally sponsored schemes (CSS) under the first three categories which are designed by the Centre, administered by the Ministry of Rural Development, but implemented by the states, with states generally contributing 25 per cent to their cost. In addition, some state governments have their own poverty-reduction schemes. There has been multiplicity of programmes on the grounds of multi-dimensionality of poverty, heterogeneity of the poor and inter-state variations in the efficacy of the delivery system.<sup>2</sup>

Eradication of poverty remains a major challenge of planned economic development. Experiences of different states with economic growth and poverty reduction have been so varied that it is difficult to offer any general policy prescription. There are states that followed the path of high agricultural growth and succeeded in reducing poverty (Punjab and

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

<sup>2</sup> *Ibid.*

Haryana) and states that focused on human resource development and reduced poverty (Kerala). There have been states that implemented land reforms with vigour, empowered the panchayats, mobilised the poor and implemented poverty-alleviation programmes effectively (West Bengal) and states that brought about reduction in poverty by direct public intervention in the form of public distribution of foodgrains (Andhra Pradesh).<sup>3</sup>

## **4.2 National Legal Efforts for Poverty Alleviation**

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

### **4.2.1 The Code of Civil Procedure, 1908**

The Code of Civil Procedure<sup>4</sup> protects the bonafide claims of indigent persons. It deals with suits by indigent persons, defence by an indigent person as well as free legal services to indigent persons. The Code exempt indigent person or his dependent to pay court fee for filing suit and assign a pleader, where he is not represented by a pleader.<sup>5</sup> The free legal aid will be provided in case of appeal by any indigent person.<sup>6</sup>

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<sup>3</sup> Available at : <https://niti.gov.in/planningcommission.gov.in/docs/plans/mta/mta-9702/mta-ch6.pdf> (Visited on May 1, 2020).

<sup>4</sup> Act No. 5 of 1908.

<sup>5</sup> The Code of Civil Procedure, order XXXIII.

<sup>6</sup> *Id.*, order XLIV.

**Meaning of Indigent person:** A person is an indigent person,

- i) if he is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit; or
- ii) where no such fee is prescribed, when he is not entitled to property worth one thousand rupees. In both the cases, the property exempt from attachment in execution of a decree and the subject matter of the suit should be excluded.<sup>7</sup>

The provisions of Order 33 are intended to enable indigent persons to institute and prosecute suits without payment of any court fees. Generally, a plaintiff suing in a court of law is bound to pay court fees prescribed under the Court Fees Act at the time of presentation of plaint. But a person may be too poor to pay the requisite court fee. This Order exempts such person from paying the court fee at the first instance and allows him to prosecute his suit in *forma pauperis*, provided he satisfies certain conditions laid down in this order.<sup>8</sup> This Order has been enacted to serve a triple purpose, *viz*,

- i) to protect bona fide claims of an indigent person;
- ii) to safeguard interest of revenue; and
- iii) to protect defendant from harassment.

**Appeals by indigent persons:** Where the appellant was allowed to sue as an indigent person in the trial court, no fresh inquiry is necessary if the applicant files an affidavit to the effect that he has not ceased to be an indigent person since the date of the decree appealed from. However, if the government pleader or the respondent disputes the truth of the statement made in such affidavit, an inquiry into the question as to whether or not the applicant is an indigent person shall be held by the appellate court, or under its order by an officer of that court. Where it is alleged that the applicant became an indigent person after the date of the decree appealed from, the inquiry into the means of the applicant shall be made by the appellate court or under its order by an officer of that court or by the trial court if the appellate court considers it necessary in the circumstances of the case.<sup>9</sup> At the stage of hearing of an application, the question to be considered by the court is whether the applicant is an indigent person. If he is, the application will be allowed and the memorandum of appeal will be registered. If he is not, the application will be rejected.<sup>10</sup>

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<sup>7</sup> The Code of Civil Procedure, 1908, order 33, rule 1.

<sup>8</sup> C.K. Takwani, *Civil Procedure* 451 (Eastern Book Company, Lucknow, 7<sup>th</sup> edition, 2014).

<sup>9</sup> The Code of Civil Procedure, order XLIV, rule 3.

<sup>10</sup> *Supra* note 8 at 556.

Any property acquired by the applicant after the presentation of the application for permission to sue as an indigent person and the decisions thereon should also be taken into consideration for deciding the question whether the applicant is an indigent person.<sup>11</sup>

#### **4.2.2 The Protection of Civil Rights Act, 1955**

Civil rights mean the rights accruing to a person by reason of the abolition of untouchability. In most of the cases, the persons who are victims of the practice of untouchability are also extremely poor. The Protection of Civil Rights Act, 1955<sup>12</sup> is therefore a law against poverty. The Act prohibits and punishes the enforcement of any religious disability in any religious place like a temple and social disability in public places like shops, restaurants, hospitals etc. Such disability must be on the ground of untouchability.<sup>13</sup>

**Punishment for enforcing social disabilities:** Under this Act, whoever on the ground of untouchability enforces against any person any disability with regard to<sup>14</sup>:

- i) access to any shop, public restaurant, hotel or place of public entertainment,
- ii) the use of any utensils and other articles kept in any public restaurant, hotel, dharamshala, sarai or musafirkhana for the use of the general public,
- iii) the use of or access to any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort which other members of the public have a right to use or have access to,
- iv) the use of or access to any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public,
- v) the use of, or access to, any public conveyance,
- vi) the construction, acquisition, or occupation of any residential premises in any locality, whatsoever,
- vii) the use of any dharamshala, sarai or musafirkhana which is open to the general public,
- viii) the observance of any social or religious custom, usage or ceremony,

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<sup>11</sup> *Id.*, at 452.

<sup>12</sup> Act No. 22 of 1955.

<sup>13</sup> Upendra Baxi, *Law and Poverty: Critical Essays* 22 (N.M. Tripathi Private Limited, Bombay, 1988).

<sup>14</sup> The Protection of Civil Rights Act, 1955, s. 4.

ix) the use of jewellery and finery,  
shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.<sup>15</sup> The words enforcement of any disability includes any discrimination on the ground of untouchability.

**Punishment for refusing to admit person to hospitals, etc.:** Whoever on the ground of untouchability—

- i) refuses admission to any person to any hospital, dispensary, educational institution or any hostel, if such hospital, dispensary, educational institution or hostel is established or maintained for the benefit of the general public or any section thereof;
- ii) does any act which discriminates against any such person after admission to any of the aforesaid institutions;

shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.<sup>16</sup>

The punishment prescribed under this Act is so less that it seems so easy for offenders to pay fine for violating the provisions. However, the punishment and fine should be so stringent that one has to think prior to commission of any Act under this Act. The need of the present time is that the punishments prescribed under this Act should be amended according to the circumstances.

#### **4.2.3 The Advocates Act, 1961**

The Advocates Act<sup>17</sup> assign functions to the Bar Council of India to provide legal aid or advice to the poor in accordance with the rules made in this behalf. This Act also assigns State Bar Council to organise legal aid in the prescribed manner. The Bar Council may constitute one or more legal aid Committees, each of which shall consist of such number of members, not exceeding nine but not less than five, as may be prescribed.<sup>18</sup> Under this Act, the functions of a State Bar Council shall be to organise legal aid to the poor in the prescribed

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<sup>15</sup> *Ibid.*

<sup>16</sup> *Id.*, s. 5.

<sup>17</sup> Act No. 25 of 1961.

<sup>18</sup> The Advocate Act, 1961, s. 9(A)(1).

manner.<sup>19</sup> A State Bar Council may constitute one or more funds in the prescribed manner for the purpose of giving legal aid or advice in accordance with the rules made in this behalf.<sup>20</sup> The function of Bar Council of India shall be to organise legal aid to the poor in the prescribed manner.<sup>21</sup> Every advocate shall in the practice of the profession of law bear in mind that anyone genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an advocate's economic condition, free legal assistance to the indigent and oppressed is one of the highest obligations an advocate owes to society.<sup>22</sup> As there is no check and no proper implementation of law relating to legal aid. Poor and resourceless people still remain in detention for years and years. No free legal aid being provided by advocates.

#### **4.2.4 The Code of Criminal Procedure, 1973**

The punitive arm of the legal order is criminal law. It affects the life and liberty of human being. Therefore, special attention is to be given at the time of administration of criminal law. Justice Krishna Iyer rightly mentioned that to sensitise the criminal process to the wavelength of the poor is the strategy.<sup>23</sup> The legal process without legal aid to the poor may be a guarantee of anarchy and not of order. To hands and feet, we need are efficient means and method to carry out justice in every case in the shortest possible time and the lowest possible cost.<sup>24</sup> The Code<sup>25</sup> provides a pleader to the accused who has not sufficient means for his defence at the expense of the State. The Code has also empowered High Court to provide facilities to such pleader for the defence of such accused.<sup>26</sup> It also provides for release of an indigent accused person on executing a personal bond instead of taking bail, if

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<sup>19</sup> *Id.*, s. 6 (1) (eee).

<sup>20</sup> *Id.*, s. 6(2)(b).

<sup>21</sup> *Id.*, s. 7(1)(ib).

<sup>22</sup> The Bar Council of India Rules, chapter II, rule 46.

<sup>23</sup> Krishna Iyer, *Of Law and Life* 136 (Vikash Publishing House, Sahibabad, 1971).

<sup>24</sup> Krishna Iyer, *Social Mission of Law* 104 (Orient Longman, New Delhi, 1976).

<sup>25</sup> Act No. 2 of 1974.

<sup>26</sup> The Code of Criminal Procedure, 1973, s. 304.

Section-304: Legal aid to accused at State expense in certain cases:

- 1) Where, in a trial before the Court of Session, the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State.
- 2) The High Court may, with the previous approval of the State Government, make rules providing for-
  - a. the mode of selecting pleaders for defence under sub- section (1);
  - b. the facilities to be allowed to such pleaders by the Courts;
  - c. the fees payable to such pleaders by the government, and generally, for carrying out the purposes of sub-section (1).
- 3) The State government may, by notification, direct that, as from such date as may be specified in the notification, the provisions of sub- sections (1) and (2) shall apply in relation to any class of trials before other Courts in the State as they apply in relation to trials before Courts of Session.

he is unable to furnish surety.<sup>27</sup> This section places on a statutory footing the right of the accused without sufficient means to engage a lawyer to be defended at the expense of the State in regard to sessions trials with a provision also enabling the state government to extend this right by notification to any class of trials before other court in the State. As representation by a lawyer at government expense to an accused person has been provided for statutorily, appointment of such lawyer to defend such an accused and the facilities to be allowed to such lawyers by the courts and the fees payable to such lawyers by the government have also been provided for statutorily under sub-section (2) making the same governable by rules under this sub section (2) that are to be framed by the High Court with the previous approval of the state government.<sup>28</sup> This section uses the words that where it appears to the Court, it means the Court is not to hold any inquiry about the means of the accused. If it appears to him after making certain questions to the accused that he has no sufficient means, the Court has to appoint a counsel.<sup>29</sup> The poor are not aware of their right to legal aid provided under the Code of Criminal Procedure, 1973. When sometime they try to reach for getting free legal aid, they may be denied access to the concerned offices due to complicated procedure. The full benefits of free legal aid are not available to poor people due to complex procedure.

#### **4.2.5 The Legal Services Authorities Act, 1987**

Legal aid means the free legal assistance to the poor and weaker sections of the society at the State cost with the object to enable them to exercise the rights given to them by law in any judicial proceedings before the courts or tribunals. The object of legal aid is to ensure that the opportunities for securing justice are not denied to any person by reason of poverty, illiteracy, etc. The poor and illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the Courts. The object of the legal aid is to ensure equal justice.<sup>30</sup> Since long, efforts were made to give statutory recognition to the legal aid scheme but due to various reasons, no legislation was passed upto 1986. In 1987, Parliament passed an Act on legal aid known as the Legal Service Authorities Act, 1987<sup>31</sup> to provide social justice to poor persons. The main objective of this Act is to constitute legal services authorities to provide free and competent

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<sup>27</sup> The Code of Criminal Procedure, 1973, chapter XXXIII.

<sup>28</sup> Prabhas C. Sarkar and P.M. Bakshi, *The Law of Criminal Procedure* 906 (India Law House, New Delhi, 7<sup>th</sup> edn., 1998).

<sup>29</sup> P.C. Banerjeet, *Criminal Trial and Investigation* 1376 (Orient Publishing Company, New Delhi, 3<sup>rd</sup> edn., 2001).

<sup>30</sup> Dr. S.R. Myneni, *Law & Poverty* 279 (Allahabad Law Agency, Faridabad, 3<sup>rd</sup> edn., 2009).

<sup>31</sup> Act No. 39 of 1987.

legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The authorities were constituted at national, state and district level i.e., National Legal Service Authority, State Legal Service Authority and District Legal Service Authority.<sup>32</sup> After the enforcement of this Act, legal aid has ceased to be merely administrative policy of the government. In due course of time, it receives legal recognition and sanctity. Special institution known as National Legal Services Authority has been under statutory obligation to enforce and supervise the legal aid work throughout the country. Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the state government, if the case is before a Court other than the Supreme Court and less than rupees twelve thousand or such other higher amount as may be prescribed by the central government, if the case is before the Supreme Court.<sup>33</sup> Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned authority is satisfied that such person has a prima-facie case to prosecute or to defend. An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned authority has reason to disbelieve such affidavit.<sup>34</sup> The provisions made for providing legal aid under this Act are not fully implemented, as a result of which the poor and needy people are deprived of the legal aid provided under this Act and face injustice. Poor people are reluctant to go to Court because of their poor financial condition. So, if some provisions under this Act are made of such kind by which the injustice done to the poor people can be compensated with the help of legal aid.

#### **4.2.6 The Mahatma Gandhi National Rural Employment Guarantee Act, 2005**

This Act<sup>35</sup> is considered to be a step towards the right to work as an aspect of the fundamental right to live with dignity. This Act was introduced with the aim of improving the purchasing power of the rural people, primarily semi or unskilled work to people living below poverty line in rural India. The objective of this legislation is to enhance the livelihood security of the poor households in rural areas of the country. This Act provides a legal guarantee for one hundred days of employment in every financial year to adult members of

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<sup>32</sup> *Supra* note 8 at 104.

<sup>33</sup> The Legal Services Authorities Act, 1987, s. 12 (h).

<sup>34</sup> *Id.*, s. 13.

<sup>35</sup> Act No. 42 of 2005.



any rural household willing to do public work-related unskilled manual work at the statutory minimum wage.<sup>36</sup> Under this Act, if an applicant is not provided employment within 15 days, he or she will be entitled to a daily unemployment allowance. The Scheme was launched in 2006-07 in 200 selected districts and gradually extended to the whole country by 2008-09.<sup>37</sup> The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 directs every state government to prepare a Rural Employment Guarantee Scheme (REGS) in order to implement the work guarantee. It is to be noted that the Act is a national legislation, but the Scheme is state-specific. In the initial years of the employment Scheme under this Act, there were reports of rampant corruption as the process was mostly manual. Fake entries are being made in job sheets to divert funds, job cards existed in non-existent names. In many cases, people held multiple cards in a bid to draw added benefits. So, the stringent provisions should be made under this Act so that proper implementation and maximum benefit should be reached to the poor and unemployed persons.

#### **4.2.7 The National Food Security Act, 2013**

The enactment of this Act<sup>38</sup> on July 5, 2013 marks a paradigm shift in the approach to food security from welfare to rights-based approach. The Act legally entitles upto 75% of the rural population and 50% of the urban population to receive subsidised food grains under Targeted Public Distribution System. About two thirds of the population therefore is covered under the Act to receive highly subsidised food grains. The Act is being implemented in all the states/union territories in India. Out of maximum coverage of 81.35 crore, around 80 crore persons have been covered under the Act at present for receiving highly subsidised food grains. The identification of beneficiaries by States/UTs is a continuous process, which involves exclusion of ineligible/fake/duplicate ration cards and also exclusion on account of death, migration etc. and inclusion on account of birth as also that of genuine left-out households.<sup>39</sup>

The Act provides for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity. The Act also contains provisions for nutritional support to pregnant women and lactating mothers and children upto 14 years of age. Pregnant women and lactating mothers are entitled to meals, free of charge, during pregnancy and six months after the child

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<sup>36</sup> The Mahatma Gandhi National Rural Employment Guarantee Act, 2005, s. 4.

<sup>37</sup> Sudhir Vaidya, *National Rural Employment Guarantee Act (NREGA): With Schemes and Guidelines 3* (Arise Publishers & Distributors, New Delhi, 1<sup>st</sup> Edition, 2009).

<sup>38</sup> Act No. 20 of 2013.

<sup>39</sup> Available at : <https://dfpd.gov.in/nfsa-act.htm> (Visited on April 4, 2021).

birth as well as maternity benefit of not less than ₹ 6000. Children upto 14 years of age are entitled to nutritional meals as per the prescribed standards. For effective implementation and monitoring, the Act also provides for setting up of grievance redressal mechanism at the district and state levels.<sup>40</sup>

Various other laws such as under Indian Penal Code, 1860,<sup>41</sup> provisions have been enacted to prohibit buying or disposing of any person as a slave, habitual dealing in slaves, selling or buying of minors for purposes of prostitution or illicit intercourse and unlawful compulsory labour<sup>42</sup> are few examples in the direction of protection of the poor. Nevertheless, their tardy implementation makes us lag far behind in effectively dealing with the problem.

#### **4.2.8 Labour and Industrial Laws for the Protection of Poor**

Labour problems constituted a serious menace to the society and needed solution. Employers paid their sole attention to the maintenance of machines and the improvement of the technical to know how to utter neglect of the human hands employed to man the machines because they were readily available and could be easily replaced. Workers were illiterate and poor, therefore unconscious of their rights. The socio-economic status of the workers was far below the status of their employer.

As such they could not exercise their free will in negotiating with the employer for employment. The employer taking advantage of the poor condition of the workers dictated their own terms and conditions with regard to wages, hours of work, leave etc. The workers were left with no choice but to accept such terms because service was the sole means of earning their livelihood.<sup>43</sup> Neither the government nor the courts took special notice of these problems because they laid too much emphasis on the policy of the non-interference and freedom of contract. Thus, with the lapse of time the situation turned out to be so worse and the society became so much adversely affected that the government was compelled to take some action to remedy these problems. Ultimately some philanthropic agencies like Servants of Indian Society, Social Service League and some industrial social workers raised their voice against these problems. They were successful in mobilising the public opinion in support of their view point. Workers also started to form their own organisation to fight against

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<sup>40</sup> Government of India, "Annual Report 2019-20" (Ministry of Consumer Affairs, Food & Public Distribution, 2019-20), available at : <https://dfpd.gov.in/E-Book/examples/pdf/AnnualReport.html?PTH=/1sGbO2W68mU1unCgKmpnLF5WHm/Ar2020.pdf#book/3> (Visited on April 9, 2021).

<sup>41</sup> Act No. 45 of 1860.

<sup>42</sup> The Indian Penal Code, 1860, s.s 370 to 374.

<sup>43</sup> Surya Narayan Misra, *Labour and Industrial Law* 5 (Central Law Publications, Allahabad, 25<sup>th</sup> edn., 2009).

exploitation at the hands of industrialists. In the beginning the effort of the workers was not very successful because of their weak bargaining power and lack of resources on which they could rely for their livelihood in the absence of wages. The government later on realised the gravity of the problem and could not remain a spectator for the workers constituted a large section of the society. Moreover, the government had to intervene to settle the disputes in the interest of national economy and the welfare of the society at large. In India, a number of labour legislations have been enacted for improvement of the conditions of the labour which are discussed as follows<sup>44</sup>:

#### **4.2.8.1 The Code on Wages, 2019**

This Code<sup>45</sup> is passed with the aim to amend and consolidate the laws relating to wages and bonus. This Code repealed and replaced four Acts i.e., the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965 and the Equal Remuneration Act, 1976.<sup>46</sup> Under this Code, there shall be no discrimination in an establishment or any unit thereof among employees on the ground of gender in matters relating to wages by the same employer, in respect of the same work or work of a similar nature done by any employee. No employer shall for the purposes of complying with the provisions of this section reduce the rate of wages of any employee and shall not make any discrimination on the ground of sex while recruiting any employee for the same work or work of similar nature and in the conditions of employment, except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force.<sup>47</sup> No employer shall pay to any employee wages less than the minimum rate of wages notified by the appropriate government.<sup>48</sup>

The appropriate government shall fix the minimum rate of wages for the time work and piece work payable to employees.<sup>49</sup> If an employee whose minimum rate of wages has been fixed under this Code by the day works on any day on which he was employed for a period of less than the requisite number of hours constituting a normal working day, he shall be entitled to receive wages in respect of work done on that day, as if he had worked for a full normal working day.<sup>50</sup> The employer shall fix the wage period for employees either as daily or weekly or fortnightly or monthly subject to the condition that no wage period in respect of

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<sup>44</sup> *Id.*, at 6.

<sup>45</sup> Act No. 29 of 2019.

<sup>46</sup> The Code on Wages, 2019, s. 69.

<sup>47</sup> *Id.*, s. 3.

<sup>48</sup> *Id.*, s. 5.

<sup>49</sup> *Id.*, s. 6.

<sup>50</sup> *Id.*, s. 10.

any employee shall be more than a month.<sup>51</sup> The employer shall pay or cause to be paid wages to the employees, engaged on:

- a) daily basis, at the end of the shift;
- b) weekly basis, on the last working day of the week, that is to say, before the weekly holiday;
- c) fortnightly basis, before the end of the second day after the end of the fortnight;
- d) monthly basis, before the expiry of the seventh day of the succeeding month.<sup>52</sup>

#### **4.2.8.2 The Industrial Relations Code, 2019**

This Code<sup>53</sup> is passed to consolidate and amend the laws relating to trade unions, conditions of employment in industrial establishment or undertaking, investigation and settlement of industrial disputes and for matters connected therewith. This Code has repealed and replaced 3 Acts such as the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946, and the Industrial Disputes Act, 1947.<sup>54</sup> The protection is provided for payment of full wages to workers in case where a Tribunal or a National Industrial Tribunal by its award directs reinstatement of any worker and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such worker, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the worker had not been employed in any establishment during such period and an affidavit by such worker had been filed to that effect in such Court.<sup>55</sup>

Further the protection for recovery of money due from employer is also given in case where any money is due to a worker from an employer under a settlement or an award or under the provisions of this Code, the worker himself or any other person authorised by him in writing in this behalf or in the case of the death of the worker, his assignee or heirs may without prejudice to any other mode of recovery, make an application to the appropriate government for the recovery of the money due to him and if the appropriate government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector

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<sup>51</sup> *Id.*, s. 16.

<sup>52</sup> *Id.*, s. 17.

<sup>53</sup> Act No. 35 of 2020.

<sup>54</sup> The Industrial Relations Code, 2019, s. 104.

<sup>55</sup> *Id.*, s. 56.

who shall proceed to recover the same in the same manner as an arrear of land revenue.<sup>56</sup> The provision relating to compensation to workers in case of closing down of undertakings has been made in case where an establishment is closed down for any reason whatsoever, every worker who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of section 69, as if the worker had been retrenched: Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the worker under clause (b) of section 70, shall not exceed his average pay for three months.<sup>57</sup> It protects workers in context of payment of full wages to them and also provide compensation in case of closing down of undertaking.

#### **4.2.8.3 The Code on Social Security, 2020**

This Code<sup>58</sup> is passed to amend and consolidate the laws relating to social security with the goal to extend social security to all employees and workers either in the organised or unorganised or any other sectors. This Code repealed and replaced 9 Acts such as the Employee's Compensation Act, 1923, the Employees' State Insurance Act, 1948, the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, the Maternity Benefit Act, 1961, the Payment of Gratuity Act, 1972, the Cine-Workers Welfare Fund Act, 1981, the Building and Other Construction Workers' Welfare Cess Act, 1996, the Unorganised Workers' Social Security Act, 2008.<sup>59</sup>

Social security means the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights conferred on them and schemes framed, under this Code.<sup>60</sup> Social security fund will be created on the financial side in order to implement social security schemes. There is uniformity in determining wages for the purpose of social security benefits. Stringent penalties on any failure to deposit employees' contributions not only attracts a penalty of Rs. 1,00,000, but also may be imprisoned for a

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<sup>56</sup> *Id.*, s. 59.

<sup>57</sup> *Id.*, s. 75.

<sup>58</sup> Act No. 36 of 2020.

<sup>59</sup> The Code on Social Security, 2020, s. 164.

<sup>60</sup> *Id.*, s. 1(78).

period of one year to three years. In case of repeat offence, the penalties and prosecution are severe and no compounding is permitted for repeated offences.<sup>61</sup>

#### **4.2.8.4 The Occupational Safety, Health and Working Conditions Code, 2020**

This Code<sup>62</sup> is passed to consolidate and amend the laws regulating the occupational safety, health and working conditions of the persons employed in an establishment and for matters connected therewith. The Code repealed and replaced 13 Acts such as the Factories Act, 1948, the Plantations Labour Act, 1951, the Mines Act, 1952, the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, the Working Journalists (Fixation of Rates of Wages) Act, 1958, the Motor Transport Workers Act, 1961, the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, the Contract Labour (Regulation and Abolition) Act, 1970, the Sales Promotion Employees (Conditions of Service) Act, 1976, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, the Dock Workers (Safety, Health and Welfare) Act, 1986, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.<sup>63</sup>

Under this Code, it is the duty of employer to provide annual health examination or test free of costs to employees or such class of employees of establishments as may be prescribed by the appropriate government.<sup>64</sup> The central government have the power to make employer responsible for all or any of the matters in the establishment or class of establishments namely cleanliness and hygiene, ventilation, temperature and humidity, environment free from dust, noxious gas, fumes and other impurities, adequate standard of humidification, artificially increasing the humidity of the air, ventilation and cooling of the air in work rooms, potable drinking water, adequate standards to prevent overcrowding and to provide sufficient space to employees or other persons, as the case may be, employed therein, adequate lighting, sufficient arrangement for toilet and urinal accommodation to male, female and transgender employee separately and maintaining hygiene therein, effective arrangements for treatment of wastes and effluents.<sup>65</sup> The employer shall also be responsible to provide and maintain in his establishment such welfare facilities for the employees like adequate first-aid

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<sup>61</sup> The Social Security Code, 2020, *available at* : <https://www.drishtias.com/daily-updates/daily-news-analysis/social-security-code-2020> (Visited on June 6, 2021).

<sup>62</sup> Act No. 37 of 2020.

<sup>63</sup> The Occupational Safety, Health and Working Conditions Code, 2020, s. 143.

<sup>64</sup> *Id.*, s. 6(c).

<sup>65</sup> *Id.*, s. 23.

boxes or cupboards with contents readily accessible during all working hours.<sup>66</sup> No worker shall be required or allowed to work, in any establishment or class of establishment for more than eight hours in a day<sup>67</sup> and six days in any one week.<sup>68</sup> There shall be paid wages at the rate of twice the rate of wages in respect of overtime work, where a worker works in an establishment or class of establishment for more than such hours of work in any day or in any week as may be prescribed by the appropriate government and the period of overtime work shall be calculated on a daily basis or weekly basis, whichever is more favourable to such worker.<sup>69</sup>

In the case of adolescent worker, he shall be entitled for one-day leave for every twenty days of his work if he has worked one hundred and eighty days or more in such calendar year and in case worker employed below ground mine, he shall be entitled at the rate of one day for every fifteen days of his work, in such calendar year.<sup>70</sup> The employer shall pay, to every inter-State migrant worker employed in his establishment, in a year a lump sum amount of fare for journey to his native place from the place of his employment, in the manner taking into account the minimum service for entitlement, periodicity and class of travel and such other matters as may be prescribed by the appropriate government.<sup>71</sup> The appropriate government shall make Schemes to provide option to an inter-state migrant worker for availing benefits of public distribution system either in his native state or the destination state where he is employed.<sup>72</sup>

### **4.3 Anti-Poverty Programmes: National Level**

Central and state governments since independence particularly after the 1970s have introduced a large number of programmes for poverty alleviation and employment generation for the poor like the Integrated Rural Development Project (1978-79), National Rural Employment Programme (NREP), Rural Landless Employment Guarantee Programme (RLEGP, 1983), Jawahar Rojgar Yojna, Swarnajayanti Gram Swarajgar Yojna (SGSY, 1999), Sampoorna Grameen Rojgar Yojna (SGRY, 2001), Indira Awas Yojna (IAY, 1985), Public Distribution System (PDS), Rural Employment Guarantee Scheme, the Sarva Sikhsha Abhiyan, Mid Day Meal Programme, Bharat Nirman etc. Different ministries and

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<sup>66</sup> *Id.*, s. 24.

<sup>67</sup> *Id.*, s. 25.

<sup>68</sup> *Id.*, s. 26.

<sup>69</sup> *Id.*, s. 27.

<sup>70</sup> *Id.*, s. 32.

<sup>71</sup> *Id.*, s. 61.

<sup>72</sup> *Id.*, s. 62.

departments of government of India design and implement policies and programmes for rural and urban poor. A brief description of programmes for rural and urban poor is given as under:

#### **4.3.1 Integrated Rural Development Project, 1978-79**

The Integrated Rural Development Programme (IRDP) was launched in 1978-79 in order to deal with the dimensions of rural poverty in the country. The programme covered small and marginal farmers, agricultural workers and landless labourers and rural craftsmen and artisans and virtually all the families of about 5 persons with an annual income level below ₹ 3500. The main aim of IRDP was to raise the levels of the BPL families in the rural areas above the poverty line on a lasting basis by giving them income generating assets and access to credit and other inputs. The programme was to be implemented by District Rural Development Agency (DRDA) with the assistance from block level machinery. The Scheme for Development of Women and Children in Rural Areas (DWCRA) was launched in 1982 as a part of IRDP. Both in terms of the volume of aggregate investment planned and the number of families to be benefitted, the IRDP was the largest programme of the Sixth Five Year Plan for the alleviation of poverty in rural areas.<sup>73</sup>

#### **4.3.2 National Rural Employment Programme (NREP), 1980**

The National Rural Employment Programme (NREP) was launched in 1980 with a view to significantly increase employment opportunities in rural areas. This was viewed as a major step towards poverty alleviation. The NREP replaced the food for work (FFW) programme. In all works under NREP, preference was given to landless labour. Among landless labour, preference was given to SC's/ST's for employment. Main provisions relating to works under NREP was that it was not permitted to engage contractors. Wages were paid partly in cash and partly in food grain 1-2 kg/day/head. NREP was a centrally sponsored programme with equal sharing of the expenditure by the centre and the states. NREP provide training to the personnel in the implementation of the programme.<sup>74</sup>

#### **4.3.3 Indira Awas Yojna (IAY), 1985**

Indira Awaas Yojana (IAY) was launched during 1985-86 as a sub-scheme of Rural Landless Employment Guarantee Programme (RLEGP) and continued as a sub-scheme of

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<sup>73</sup> Integrated Rural Development Project, 1978-79, *available at* : <https://niti.gov.in/planningcommission.gov.in/docs/reports/peoreport/cmpdmpeo/volume1/134.pdf> (Visited on April 22, 2021).

<sup>74</sup> National Rural Employment Programme (NREP), 1980, *available at* : <http://ecoursesonline.iasri.res.in/mod/page/view.php?id=15355> (Visited on April 29, 2020).



Jawahar Rozgar Yojana (JRY) since its launching from April, 1989. It has been delinked from the Jawahar Rozgar Yojana (JRY) and has been made an independent scheme with effect from January 1, 1996.<sup>75</sup> Indira Awaas Yojana is essentially a public housing scheme for the houseless poor families and those living in dilapidated and kutchha houses with a component for providing house sites to the landless poor as well.

The Scheme is designed to enable below poverty line (BPL) households identified by the community through Gram Sabhas following criteria suggested for such identification from time to time, to build their houses or get house sites with financial and technical assistance from the government. IAY house has to be 'pucca' in the sense that it should be able to withstand normal wear and tear due to usage and natural forces including climatic conditions, with reasonable maintenance, for at least 30 years. It should have roof of permanent material and its walls should be capable of withstanding local climatic conditions and need to be plastered only when the outer surface of the walls is erodible. Any building technology which helps achieve durability of 30 years can be adopted by the state government. Every house should include a toilet, soak pit and compost pit. Smokeless chulhas should also be included, which however can be dispensed with wherever households have an LPG /biogas connection. Roof water harvesting system as appropriate locally should also be set up. Every household should be actively encouraged to construct a bathroom.<sup>76</sup>

#### **4.3.4 Jawahar Rojgar Yojna, 1989**

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

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<sup>75</sup> Indira Awas Yojna (IAY, 1985), *available at* : <http://megcnrd.gov.in/forms/IAY.pdf> (Visited on April 30, 2021).

<sup>76</sup> Jawahar Rojgar Yojna, 1989, *available at* : <https://pmayg.nic.in/netiay/IAY%20revised%20guidelines%20july%202013.pdf> (Visited on May 2, 2021).

this programme will be reserved for women.<sup>77</sup> As per Jawahar Rozgar Yojana guidelines, works which result in creation of durable productive community assets are taken up under the Yojana, preference is given to works having potential of maximum direct and continuing benefits to the members of poverty groups. Higher priority is given to works which are required for infrastructure of poverty alleviation programmes like IRDP and construction of primary school buildings in those revenue villages which have primary schools without buildings.

#### **4.3.5 National Social Assistance Programme, 1995**

The National Social Assistance Programme (NSAP) was introduced as a 100 per cent centrally sponsored Scheme on August 15, 1995. It has three components: namely (i) National Old Age Pension Scheme (NOAPS), (ii) National Family Benefit Scheme (NFBS) and (iii) National Maternity Benefit Scheme (NMBS). The Programme represents a significant step towards fulfillment of the Directive Principles under articles 41 and 42 of the Indian Constitution.<sup>78</sup>

#### **4.3.6 Swarnajayanti Gram Swarozgar Yojna (SGSY), 1999**

Swarnajayanti Gram Swarozgar Yojana (SGSY) was introduced by the Ministry of Rural Development to assist the poor families living below the poverty line in rural areas for taking up self employment. The Scheme is funded by the central government.<sup>79</sup> In April 1999, the Integrated Rural Development Programme (IRDP) was restructured and combined with Training of Rural Youth for Self-Employment (TRYSEM), Supply of Improved Tools for Rural Artisans (SITRA), Ganga Kalyan Yojana, Million Wells Scheme (MWS) and Development of Women and Children in Rural Areas (DWCRA), and a single self-employment programme known as Swarnajayanti Gram Swarozgar Yojana (SGSY) was put in place. The basic objective of Swarnajayanti Gram Swarozgar Yojana (SGSY) is to bring the assisted poor families above poverty line by providing them income-generating assets through bank credit and government subsidy. Formation of organizations of the poor at the grassroots level through a process of social mobilization for poverty reduction is central to

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<sup>77</sup> Employment News, October 14, 1989, *available at* : [https://shodhganga.inflibnet.ac.in/bitstream/10603/86920/14/14\\_chapter%204.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/86920/14/14_chapter%204.pdf) (Visited on March 22, 2021).

<sup>78</sup> National Social Assistance Programme, 1995, *available at* : <https://niti.gov.in/planningcommission.gov.in/docs/plans/mta/mta-9702/mta-ch6.pdf> (Visited on May 1, 2021).

<sup>79</sup> Swarnajayanti Gram Swarozgar Yojna (SGSY, 1999), *available at* : <https://www.india.gov.in/topics/rural/rural-employment> (Visited on April 12, 2021).

the programme. It is centrally sponsored self-employment scheme. Funding is shared between the Centre and the State in the ratio of 75:25. For north-eastern States, the ratio is 90:10. The Scheme is implemented by District Rural Development Agency (DRDAs) / Zila Parishads through Panchayat Samithis with active involvement of Panchayats based on the funds provided for the SGSY. NGOs, CBOs and Self-Help Promoting Institutions (SHPIs) are assisted upto ₹ 10,000 per group by government for the formation and development of self-help groups (SHGs).<sup>80</sup>

#### **4.3.7 Sampoorna Grameen Rozgar Yojna (SGRY), 2001**

The Sampoorna Grameen Rozgar Yojana (SGRY) was launched on September 25, 2001 by merging the on-going Schemes of Jawahar Gram Samridhi Yojana (JGSY) and Employment Assurance Scheme (EAS). The objectives of the Programme are to provide additional wage employment in the rural areas as also food security, alongside the creation of durable community, social and economic infrastructure in the rural areas. The Programme is self-targetting in nature with special emphasis to provide wage employment to women, scheduled castes, scheduled tribes and parents of children withdrawn from hazardous occupations.

The Scheme is exclusively implemented by the Panchayati Raj Institutions (PRIs). Programme was implemented in two streams till 2003-04. The first stream was implemented at the district and intermediate panchayat levels. 50% of the funds and food-grains were available under the first stream, which were further distributed between the district panchayat and the intermediate panchayats in the ratio of 40:60 respectively. The second stream was implemented at the village panchayat level, and 50% of the funds and food-grains were earmarked for the village panchayats and distributed among them through DRDAs/ district panchayats. Every worker seeking employment under this Scheme will be provided minimum 5 kgs. of food-grains (in kind) per man per day as part of wages. However, from January 1, 2005 to March 31, 2006, food grains have been provided 3 kgs. instead of 5 kgs. to the labourers due to shortage of food grains. Again, for the same reason, food grains will be provided 3 kgs. per man per day during 2006-07. The balance of wages will be paid in cash so that they are assured of the notified minimum wages. The state governments and UT

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<sup>80</sup> Government of India, "Report on Committee on Credit Related Issues Under SGSY" (Ministry of Rural Development, 2009), *available at* : [https://aajeevika.gov.in/sites/default/files/rti\\_compliance\\_documents/Prof-R-Krishna-Report-on-Credit-related-issues-under-SGSY.pdf](https://aajeevika.gov.in/sites/default/files/rti_compliance_documents/Prof-R-Krishna-Report-on-Credit-related-issues-under-SGSY.pdf) (Visited on April 1, 2021).

administrations are free to calculate the cost of food grains (paid as part of wages) at either BPL rates or APL rates or anywhere between the two.<sup>81</sup>

#### **4.3.8 Public Distribution System (PDS)**

Public Distribution System (PDS) was started to manage food supplies during scarcity has evolved as a system for distribution of food grains at affordable prices. Public Distribution System (PDS) is supplemental in nature and is not intended to make available the entire requirement of any of the commodities distributed under it to a household or a section of the society. Until 1997, the Public Distribution System was universal in nature, however, the government introduced Targeted Public Distribution System (TPDS) with effect from June 1997 to focus on poor. The coverage was linked to poverty estimates under two categories, namely, below poverty line (BPL) and above poverty line (APL).<sup>82</sup>

The main drawback of public distribution system is that it is not able to reach the poor effectively. Lots of corruption, low quality grains affect the current public distribution system. The benefit meant for poor are actually been enjoyed by less needy and sometimes is misused by corrupt stakeholders. Moreover, there is a problem of black marketing as dealers procure the foodgrains at low prices and sell it at higher prices in the open market. So, the benefit of this system is not reaching to real beneficiaries as there is problem of system dealing with it. It is recommended for the proper enforcement of this Scheme that process relating to identification of beneficiaries should be made transparent, augmenting storage capacity, timely distribution of rations ensuring actual delivery to the beneficiaries and eliminating diversion and leakage.

#### **4.3.9 Mid-Day Meal Programme**

Education and learning depend on good nutrition and health. Under nutrition continues to be a widespread problem in India, despite significant improvement in food production and advancement in science since Indian independence. The national and the state governments have been implementing a number of poverty alleviation programmes for the overall socio-economic development of the community and several nutrition programmes to mitigate the sufferings of the vast multitudes of the population at risk. Poor nutrition and health among school children contributes to the inefficiency of the educational system.

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<sup>81</sup> Government of India, “Annual Report on Bharat Nirman through Rural Development” (Ministry of Rural Development, 2006-2007), *available at* : [https://rural.nic.in/sites/default/files/annualreport0607\\_eng\\_1.pdf](https://rural.nic.in/sites/default/files/annualreport0607_eng_1.pdf) (Visited on April 5, 2021).

<sup>82</sup> *Supra* note 40.

Children with diminished cognitive abilities and sensory impairments naturally perform less well and are more likely to repeat grades and to drop out of school than children who are not impaired; they also enroll in school at a later age, if at all, and finish fewer years of schooling. The irregular school attendance of malnourished and unhealthy children is one of the key factors in poor performance. Even short-term hunger, common in children who are not fed before going to school, can have an adverse effect on learning. Children who are hungry have more difficulty concentrating and performing complex tasks, even if otherwise well nourished. The Government of India's National Nutrition Policy, apart from setting nutrition goals to control and prevent malnutrition in the country started National Programme of Nutritional Support to Primary Education (NP-NSPE) commonly known as the Mid Day Meal Scheme as a centrally sponsored Scheme on August 15, 1995, initially in 2408 blocks in the country. By 1997-98, it was introduced in all blocks of the country. It was further extended in 2002 to cover children studying in Education Guarantee Scheme (EGS) and Alternative and Innovative Education (AIE) Centres (now known as Special Training Centres). Cooked mid-day meal is the popular name for the school meal programme which involves provision of lunch– free of cost to school children on all school days.

The Scheme was launched with the objective to encourage poor children, belonging to disadvantaged sections, to attend school more regularly and help them concentrate on classroom activities, thereby increasing the enrolment, retention and attendance rates, also to address hunger in schools by serving hot cooked meal and to improve nutritional status of children. School meals can be used to effectively tackle hunger, nutrition, education, gender inequality and broader development issues.<sup>83</sup> The main objective of this mid-day meal programme is to avoid classroom hunger, to increase school enrolment, to increase school attendance, to address malnutrition and empower women through employment. However, in reality the staff of school take benefit and eat from the food prepared for children. It stresses on mid-day meal instead of focusing on quality education.

#### **4.3.10 Bharat Nirman, 2005**

The Government of India in recognition of the role played by infrastructure in poverty removal has taken up massive programmes for construction of rural infrastructure under different programmes in the past. The government launched a time-bound plan under Bharat

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<sup>83</sup> Mid Day Meal Programme, *available at* : [https://www.researchgate.net/publication/303242637\\_ASSESSMENT\\_OF\\_CHILDREN\\_AVALING\\_MID\\_DAY\\_MEAL\\_SCHEME/link/5739c9e408ae9ace840dafaf/download](https://www.researchgate.net/publication/303242637_ASSESSMENT_OF_CHILDREN_AVALING_MID_DAY_MEAL_SCHEME/link/5739c9e408ae9ace840dafaf/download) (Visited on May 4, 2021).

Nirman in 2005 for implementation during the four-year period, 2005–09. The first half of the programme was in the tenth plan period and the second half coincides with the first two years of the Eleventh Plan period (2007–12). The six components included under the programme are irrigation, drinking water, electrification, roads, housing, and rural telephony. Certain physical targets have been set under each of the components. Under the Bharat Nirman Programme, as far irrigation component is concerned, creation of average rate of irrigation potential creation is to be increased from 1.4 MH per annum (i.e., the average rate of creation from 1951–2002) to 2.5 MH per annum. Rural connectivity is the key component of rural development and poverty alleviation in India. Rural roads (RRs) provide accessibility for the rural habitations to market and other facility centres. In order to give a boost to rural connectivity, a rural roads programme, Pradhan Mantri Gram Sadak Yojana (PMGSY) was launched as a 100% CSS in December, 2000. The Bharat Nirman Programme provides safe drinking water to water-quality-affected habitations.<sup>84</sup>

#### **4.3.11 Merit-cum-Means Based Scholarship, 2007**

The Scheme was started with effect from June 21, 2007 by Ministry of Minority Affairs, Government of India. The objective of this 100% centrally sponsored scheme is to provide financial assistance to the poor and meritorious students belonging to minority communities (Sikh, Muslim, Christian, Buddhist and Parsi) to enable them to pursue professional and technical courses (medical, engineering, law, B.Ed., polytechnic and other professional courses etc.). Financial assistance will be given to pursue degree and/or post graduate level technical and professional courses from recognized institutions. 30% scholarship will be reserved for girls of each minority community in a State which will be transferable to male student in case of non-availability of female candidate. Students who get admission in technical/ professional courses without facing any competitive examination are also eligible for scholarship. However, such students should have secured not less than 50% marks at higher secondary/graduation level. The annual income of the parent or guardian of beneficiary should not exceed ₹ 2.50 lac per annum from all sources. Scholarship will not be given to more than two students in a family.<sup>85</sup>

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<sup>84</sup> Bharat Nirman, 2005, *available at* : [https://niti.gov.in/planningcommission.gov.in/docs/plans/planrel/fiveyr/11th/11\\_v3/11v3\\_ch6.pdf](https://niti.gov.in/planningcommission.gov.in/docs/plans/planrel/fiveyr/11th/11_v3/11v3_ch6.pdf) (Visited on May 8, 2021).

<sup>85</sup> Merit-cum-Means Based Scholarship, 2007, *available at*: [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on May 7, 2021).

#### **4.3.12 Post Matric Scholarship, 2007**

This Scheme was launched by Ministry of Minority Affairs with effect from November 29, 2007. The objective of this 100% centrally sponsored scheme is to award scholarships to meritorious students belonging to economically weaker sections of minority community so as to provide them better opportunities for higher education. This Scheme will cover technical and vocational courses in Industrial Training Institutes/Industrial Training Centres affiliated with the National Council for Vocational Training (NCVT) of classes XI and XII level. Scholarship will be awarded to the students who have secured not less than 50% marks or equivalent grade in the previous examination and the annual income of whose parents from all sources does not exceed ₹ 2.00 lac. Scholarship will be provided for the entire course. Scholarship will be given upto two students in a family. This Scheme is being implemented through “Online Scholarship Management System” (OSMS) from academic session 2012-13. Scholarships are being transferred directly into the accounts of students by Government of India. An expenditure of ₹ 41.38 crore was incurred during 2014-15. An outlay of ₹ 65.00 crore is provided for Annual Plan 2015-16.<sup>86</sup>

#### **4.3.13 Pre-Matric Scholarship for Minorities, 2008**

This Scheme was started by Ministry of Minority Affairs with effect from April 1, 2008. The objective of the Scheme is to provide scholarship to the meritorious students belonging to the economically weaker sections of minority communities to enable them to pursue education from class-I to class-X for students in India only. Under this Scheme, scholarship will be given to the students, pursuing studies from class I to class X from government/recognised private schools/institutes. Maintenance allowance will be credited to the students’ bank accounts. The annual income, from all sources, of the student’s parents or guardians should not exceed ₹ 1.00 lac. *Inter-se* selection weightage is to be given to poverty rather than marks.<sup>87</sup>

#### **4.3.14 Pradhan Mantri Adarsh Gram Yojana (PMAGY), 2009-10**

This Programme was launched by Government of India during 2009-10 for integrated development of 1000 villages with more than 50% SC population. The pilot scheme was taken up in 5 states, which has been extended to 1500 new SC majority villages in country

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<sup>86</sup> Post Matric Scholarship, 2007, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 11, 2021).

<sup>87</sup> Pre-Matric Scholarship for Minorities, 2008, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 14, 2021).

including Punjab. There are 2095 villages in Punjab having more than 50% Scheduled Caste population. PMAGY aims to ensure all round Integrated development of SC majority villages into model villages. Under this Programme, these villages should have all requisite physical and social infrastructure for their socio-economic development. Disparity between SC and non-SC population in terms of common socio-economic indicators (e.g. literacy rate, completion rate of elementary education, IMR/MMR, ownership of productive assets, etc.) is eliminated. All below poverty line (BPL) families, especially those belonging to SCs, have food and livelihood security, and are enabled to cross the poverty line and earn an adequate livelihood. All children will complete at least eight years of education. Incidence of malnutrition, especially among children and women is eliminated.<sup>88</sup>

#### **4.3.15 Pradhan Mantri Jan-Dhan Yojana (PMJDY), 2014**

Pradhan Mantri Jan-Dhan Yojana (PMJDY) is National Mission for Financial Inclusion to ensure access to financial services, namely, Banking/ Savings & Deposit Accounts, Remittance, Credit, Insurance, Pension in an affordable manner. Account can be opened in any bank branch or Business Correspondent (Bank Mitra) outlet. Accounts opened under PMJDY are being opened with zero balance. Special Benefits under PMJDY Scheme such as interest given on deposit, Accidental insurance cover of ₹ 2 lakhs. The Scheme also provides life cover of ₹ 30,000/- payable on death of the beneficiary. Beneficiaries of government schemes will get direct benefit transfer in these accounts.<sup>89</sup>

#### **4.3.16 Pradhan Mantri Awas Yojana (Urban)-PMAY (U), 2015**

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

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<sup>88</sup> Pradhan Mantri Awas Gram Yojana, 2009-10, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 13, 2021).

<sup>89</sup> Pradhan Mantri Jan-Dhan Yojana (PMJDY), 2014, *available at* : <https://www.pmjdy.gov.in/scheme> (Visited on May 12, 2021).



however states/union territories have the flexibility to enhance the size of houses in consultation and approval of the ministry.<sup>90</sup>

#### **4.3.17 Pradhan Mantri Kaushal Vikas Yojana (PMKVY), 2015**

Pradhan Mantri Kaushal Vikas Yojana (PMKVY) was launched in 2015 to encourage and promote skill development in the country by providing free short duration skill training and incentivizing this by providing monetary rewards to youth for skill certification. The overall idea is to boost both industry and employability of youths. During its pilot phase in 2015-16, 19.85 lakh candidates were trained. The main objectives of this Scheme are to enable and mobilize a large number of youths to take up industry designed quality skill training, become employable and earn their livelihood, to increase productivity of the existing workforce and align skill training with the actual needs of the country, encourage standardisation of the Certification process and put in place the foundation for creating a registry of skills and for the benefit of 10 million youth over the period of four years (2016-2020).<sup>91</sup>

#### **4.3.18 Housing for All: Rural and Urban, 2015-16**

In the budget of 2015-16, the government has committed to the provision of housing for all by 2022. This would require completion of 3 crore houses in rural areas and 2 crore houses in urban areas. Key programs devoted to rural and urban housing were Indira Awas Yojana (IAY) and Rajiv Awas Yojana (RAY), respectively. These have now been made part of the program Housing for All (Rural and Urban). Under the Scheme, priority is given to manual scavengers, bonded labourers, women in difficult circumstances, widows of defence, paramilitary and police personnel killed in action, mentally and physically challenged persons and households with single girl child. The socio-economic caste census also deployed to identify the beneficiaries.<sup>92</sup>

#### **4.3.19 Aayushman Bharat, 2018**

Ayushman Bharat, a flagship Scheme of Government of India, was launched as recommended by the National Health Policy 2017, to achieve the vision of Universal Health

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<sup>90</sup> Pradhan Mantri Awas Yojana (Urban)-PMAY (U), 2015, *available at* : <https://pmaymis.gov.in/> (Visited on May 15, 2021).

<sup>91</sup> Pradhan Mantri Kaushal Vikas Yojana (PMKVY), 2015, *available at* : <https://msde.gov.in/en/schemes-initiatives/schemes-initiatives-through-nsdc/pradhan-mantri-kaushal-vikas-yojana-pmkvy> (Visited on April 20, 2021).

<sup>92</sup> Housing for All: Rural and Urban, 2015-16, *available at* : [https://niti.gov.in/sites/default/files/2018-12/OccasionalPaper\\_No2\\_Poverty.pdf](https://niti.gov.in/sites/default/files/2018-12/OccasionalPaper_No2_Poverty.pdf) (Visited on May 3, 2021).

Coverage (UHC). This initiative has been designed to meet Sustainable Development Goals (SDGs) and its underlining commitment, which is to "leave no one behind." Ayushman Bharat is an attempt to move from sectoral and segmented approach of health service delivery to a comprehensive need-based health care service. This Scheme aims to undertake path breaking interventions to holistically address the healthcare system (covering prevention, promotion and ambulatory care) at the primary, secondary and tertiary level. Ayushman Bharat adopts a continuum of care approach, comprising of two inter-related components, which are: Health and Wellness Centres (HWCs) and Pradhan Mantri Jan Arogya Yojana (PM-JAY).<sup>93</sup>

**i) Health and Wellness Centers (HWCs):** In February 2018, the Government of India announced the creation of 1,50,000 Health and Wellness Centres (HWCs) by transforming the existing Sub Centres and Primary Health Centres. These Centres are to deliver Comprehensive Primary Health Care (CPHC) bringing healthcare closer to the homes of people. They cover both, maternal and child health services and non-communicable diseases, including free essential drugs and diagnostic services. Health and Wellness Centers are envisaged to deliver an expanded range of services to address the primary health care needs of the entire population in their area, expanding access, universality and equity close to the community. The emphasis of health promotion and prevention is designed to bring focus on keeping people healthy by engaging and empowering individuals and communities to choose healthy behaviours and make changes that reduce the risk of developing chronic diseases and morbidities.<sup>94</sup>

**ii) Pradhan Mantri Jan Arogya Yojana (PM-JAY)**

The second component under Ayushman Bharat is the Pradhan Mantri Jan Arogya Yojna or PM-JAY as it is popularly known. This Scheme was launched on September 23, 2018. Ayushman Bharat PM-JAY is the largest health assurance scheme in the world which aims at providing a health cover of ₹ 5 lakhs per family per year for secondary and tertiary care hospitalisation to over 10.74 crores poor and vulnerable families (approximately 50 crore beneficiaries) that form the bottom 40% of the Indian population. The households included are based on the deprivation and occupational criteria of Socio-Economic Caste Census 2011 (SECC 2011) for rural and urban areas respectively. PM-JAY was earlier known as the National Health

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<sup>93</sup> Aayushman Bharat, 2018, *available at* : <https://pmjay.gov.in/about/pmjay> (Visited on May 9, 2021).

<sup>94</sup> *Ibid.*

Protection Scheme (NHPS) before being rechristened. It subsumed the then existing Rashtriya Swasthya Bima Yojana (RSBY) which had been launched in 2008. The coverage mentioned under PM-JAY, therefore, also includes families that were covered in Rashtriya Swasthya Bima Yojana (RSBY) but are not present in the Socio-Economic Caste Census, 2011 (SECC 2011) database. PM-JAY is fully funded by the government and cost of implementation is shared between the central and state governments.<sup>95</sup>

#### **4.3.20 Pradhan Mantri Kisan Samman Nidhi (PM-KISAN), 2018**

Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) is a central sector scheme with 100% funding from Government of India. It has become operational from December 1, 2018. Under this Scheme, an income support of ₹ 6,000/- per year in three equal installments will be provided to small and marginal farmer families having combined land holding/ownership of upto 2 hectares. The fund will be directly transferred to the bank accounts of the beneficiaries.<sup>96</sup> The Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) Scheme aims to supplement the financial needs of the small and marginal farmers (SMFs) in procuring various inputs to ensure proper crop health and appropriate yields, commensurate with the anticipated farm income at the end of each crop cycle. This would also protect them from falling in the clutches of moneylenders for meeting such expenses and ensure their continuance in the farming activities.<sup>97</sup>

#### **4.3.21 Deen Dyal Upadhyaya - Gram Jyoti Yojana (DDU-GJY)**

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

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<sup>95</sup> *Ibid.*

<sup>96</sup> Pradhan Mantri Kisan Samman Nidhi (PM-KISAN), 2018, *available at* : <https://pmkisan.gov.in/> (Visited on March 12, 2021).

<sup>97</sup> *Available at* : <https://pmkisan.gov.in/Documents/PMKisanSamanNidhi.PDF> (Visited on March 26, 2021).

(DDU-GJY) will also improve sub-transmission and distribution system to improve the quality and reliability of the supply and to reduce the losses.<sup>98</sup>

#### 4.3.22 National Health Mission (NHM)

Although no direct intervention is undertaken for poverty alleviation, but there are many schemes under National Health Mission which focus on reducing out of pocket expenditure or provide the support to poor for getting the health care services and indirectly contributing to reduction in poverty due to expenditure on health or loss of wages due to ill health. Initiatives were taken to ensure availability of free drugs and supplies (OPD & IPD) in all government hospitals. A list of 279 essential drugs, 54 consumables and 18 suture material has been finalised. Cancer drugs and medicines for hepatitis B & C are available at subsidised rates at the Jan Aushdhi stores in the state of Punjab.<sup>99</sup> In 2012, Uttar Pradesh National Rural Health Mission scam is an alleged corruption scandal in the State of Uttar Pradesh in which top politicians and bureaucrats are alleged to have siphoned off a massive sum estimated to ₹ 100 billion from the National Rural Health Mission.

- i) **Janani Shishu Suraksha Karyakaram (JSSK), 2011:** Since June 2011, under Janani Shishu Suraksha Karyakaram(JSSK) all pregnant women are provided free antenatal, delivery, post-natal services and also free treatment to the infants. Under this, free admission including diet, free diagnostic, free drugs and consumables, free blood and free referral transport is provided to all the pregnant women and infants. Approximately 4 lakh pregnant women are getting the free antenatal care, 2 lakh pregnant women are availing the delivery services and 0.30 lakh sick infants are provided free services every year. Apart from this, the state has also adopted a specific scheme under which every girl child up to 5 years will receive free treatment of all ailments in all government hospitals. This will promote timely diagnosis and treatment of all ailments whenever such girl child is taken to hospital/ dispensaries by parents. Janani Suraksha Yojana (JSY) was launched in April 2005, to enable women especially from the vulnerable sections of the society to access institutional delivery and thereby effect reductions in maternal and neonatal mortality. Financial benefit to BPL pregnant women @ ₹ 700/ ₹ 600 for institutional deliveries in rural/ urban areas

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<sup>98</sup> Deen Dyal Upadhyaya - Gram Jyoti Yojana(DDU-GJY), *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 17, 2021).

<sup>99</sup> National Health Mission (NHM), *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 17, 2021).

and ₹ 500 for home deliveries has been provided. Since the inception of the scheme, approximately 7.27 lakh pregnant women have been benefitted.<sup>100</sup>

**ii) National Urban Health Mission:** Under this programme, Urban Health Centres are being strengthened especially in slum/ poor areas. Outreach services in terms of special outreach camps where the services of specialist doctors are being provided in the slum areas. 40 sites (39 cities having population more than 50,000 and one district headquarter) have been covered.<sup>101</sup>

**iii) Rashtriya Swasthaya Bima Yojana (RSBY), 2009:** The Ministry of Labour & Employment, Government of India, had launched RSBY (Rashtriya Swasthya Bima Yojana) with effect from April 1, 2009 to facilitate health insurance cover for workers covered under below poverty line. Under the insurance policy, indoor and selected outdoor treatment will be provided to the BPL families upto the extent of ₹ 30,000/- in a year per family (unit of five) on floater basis. The Government of India is providing 75% of estimated annual premium subject to a maximum of ₹ 500/- per family per annum. The Government of India is also bearing the cost of smart cards. 25% of the premium is borne by the state government along with administrative cost and the beneficiary would pay ₹ 30/- per annum as annual fee for registration. Under the Scheme, all the pre-existing diseases will be covered and cashless insurance cover will be available for 724 interventions. Under this Scheme, the policy cover is renewed every year.<sup>102</sup>

#### 4.3.23 Nirmal Bharat Abhiyan

Poor households both in the urban and rural areas lack sanitation facilities including toilets. The Government of India has been implementing total sanitation scheme since 1999. The Central Government has renamed it as 'Nirmal Bharat Abhiyan' under which especially a toilet has to be constructed in each house. With a view to cover the poor households first, priority should be given to constructing toilets in the households living below poverty line.

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<sup>100</sup> Janani Shishu Suraksha Karyakaram(JSSK), 2011, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 13, 2021).

<sup>101</sup> National Urban Health Mission, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 17, 2021).

<sup>102</sup> Rashtriya Swasthaya Bima Yojana (RSBY), 2009, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 13, 2021).

Further for improving sanitation facilities, resources may be mobilized from the corporate sector under the scheme of corporate social responsibility.<sup>103</sup>

#### **4.4 Poverty Alleviation Programmes in Punjab**

##### **4.4.1 Share Capital Contribution to BACKFINCO for BC and EWS**

The objective of the Scheme is to undertake the task of economic upliftment of members of backward classes and other economically weaker sections of the society in the State. Under this Scheme, share capital base of Punjab Backward Classes Land Development and Finance Corporation (BACKFINCO) is being strengthened by contributing state's share for disbursing loans to the target group for various self-employment programmes at a nominal rate of interest i.e., 6% per annum. The term loan is obtained by BACKFINCO from National Backward Classes Finance & Development Corporation (NBCFDC) AND National Minorities Development & Finance Corporation (NMDFC) at 3-5% rate of interest. The state government released ₹ 14.00 crore during the period 1976-77 to 2014-15 against an authorised share of ₹ 20.00 crore. An outlay of ₹ 2.00 crore is provided for Annual Plan of 2015-16.<sup>104</sup>

##### **4.4.2 Old Age Pension, 1964**

The state government introduced old age pension scheme in the year 1964. Under the Scheme, pension is granted to women of 58 years of age and above and to men of 65 years of age and above. Total annual income should not be more than ₹ 60,000/- including business or rental or interest income. The applicant having maximum 2.5 acres Nehri/Chahi land or maximum 5 acres barani land ownership or 5 acres land in waterlogged area (including husband & wife) is also eligible for pension as per report of revenue department (Patwari). The rate of pension is ₹ 750/- per month.<sup>105</sup> On March 8, 2021, Punjab Government increased old age pension to ₹ 1500 from ₹ 750.<sup>106</sup>

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<sup>103</sup> Nirmal Bharat Abhiyan, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 19, 2021).

<sup>104</sup> Government of Punjab, "A Report of Task Force on Elimination of Poverty" (Department of Planning, 2015), *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 13, 2020).

<sup>105</sup> Old Age Pension, 1964, *available at* : <https://sswcd.punjab.gov.in/en/old-age-pension-0> (Visited on May 15, 2021).

<sup>106</sup> *Available at* : <https://www.tribuneindia.com/news/punjab/punjab-budget-old-age-pension-increased-to-rs-1-500-free-travel-for-women-in-govt-buses-222334> (Visited on May 15, 2021).

#### 4.4.3 Atta Dal Scheme, 2007

The Government of Punjab has for the welfare of the weaker sections of the society and ensures that prices of all the essential commodities shall remain within the reach of the common man. To protect the weaker sections against rising prices, Punjab government has launched Atta Dal Scheme. The Atta Dal Scheme was commissioned on August 15, 2007. Under the new Atta Dal Scheme, the income limit for identification of beneficiary family has been raised from ₹ 30,000/- per annum to ₹ 60,000 per annum. The number of beneficiaries under the new Atta-Dal Scheme has been doubled from 15.41 lac to 31.00 lac.

Under the new Atta-Dal Scheme, wheat and pulses are provided at ₹ 2/- per kg and ₹ 30/- per kg respectively subject to a limit of 35/-kg of wheat to the Antyodaya Anna Yojana (AAY) category of beneficiary family and 25/- kg to others and 2.5 kg of pulses per family per month. The Government of Punjab proposes to continue distribution of subsidised foodgrains to the economically weaker section/poor deserving families in future too.<sup>107</sup> On January 7, 2020, the Punjab Government has started to distribute subsidised ration to the eligible beneficiaries under the National Food Security Act, 2013 has initiated the process of making smart ration cards with chip to distribute subsidise ration to the below poverty line (BPL) population of the state. The Government started process of disbursing ration through epos machines. Through this smart ration card, any beneficiary could know the detail of the ration received by him in previous distribution process by using chip fitted smart ration card.<sup>108</sup>

#### 4.4.4 Mai Bhago Vidya Scheme, 2011

This Scheme was first started in 2011. Under this Scheme, free bicycles are provided to girl students from 9<sup>th</sup> to 12<sup>th</sup> class studying in government schools to encourage the enrolment of girl students in schools and to reduce the school dropout rate among girl students.<sup>109</sup> A budget of ₹ 2200 lakh was sanctioned under this scheme for the year 2016-17.<sup>110</sup> As in Punjab, most of girls leave their school after 8<sup>th</sup> class because schools are far away from their home. It is not easy for them to go to the school without any vehicles. Most

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<sup>107</sup> Atta Dal Scheme, 2007, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 13, 2021).

<sup>108</sup> *Available at* : <http://diprpunjab.gov.in/?q=content/punjab-government-starts-process-making-smart-ration-cards-bharat-bhushan-ashu> (Visited on May 15, 2021).

<sup>109</sup> Mai Bhago Vidya Scheme, 2011, *available at* : <https://sswcd.punjab.gov.in/en/mai-bhago-vidya-scheme> (Visited on April 9, 2021).

<sup>110</sup> *Available at* : <https://sswcd.punjab.gov.in/en/wcd/state-schemes> (Visited on April 10, 2021).

of families in Punjab villages cannot afford vehicle for their girl's child, so they are forced to leave the school. This is the reason that girls education rate in Punjab is very less as comparative to other states.

#### **4.4.5 Aashirwad Scheme (Shagun Scheme), 2011-12**

The Government of Punjab initiated Shagun Scheme for providing financial assistance to the girl's marriage under the Department of Welfare of Scheduled Caste and Backward Class in the state. The Shagun Scheme is also named as Aashirwad Scheme by the government. Under this Scheme, the State Government provide financial assistance of ₹15,000 to ₹21,000 for the marriage of daughter who belongs to the low-income family in the state. To avail benefit under this Scheme, applicant family must belong to the below poverty line (BPL). Applicant must belong to the Scheduled Castes, Backward Classes and other economically weaker families.<sup>111</sup>

#### **4.4.6 Houses to Houseless Scheduled Castes**

To provide houses to houseless scheduled castes families living below poverty line, who are either houseless or having *kacha* houses in dilapidated condition a Scheme namely, "Houses to Houseless Scheduled Castes in Rural and Urban Areas" is being implemented by the Welfare Department. Under this Scheme, grant of ₹ 50,000/- for construction of house and ₹ 20,000/- for repair of kacha house is provided to scheduled castes houseless family, whose annual income is less than ₹ 1.00 lac.<sup>112</sup>

#### **4.4.7 Meritorious Residential Co-ed Schools, 2014-15**

In order to provide quality education to poor and meritorious students of government schools, State has started 10 residential schools in the districts of Bathinda, Patiala, Amritsar, Jalandhar, Mohali, Sangrur, Gurdaspur, Ferozepur, Ludhiana & Hoshiarpur. Free education in english medium for class 11<sup>th</sup> and 12<sup>th</sup> in the science and commerce stream who have secured 80% and above in class 10<sup>th</sup> of government schools from Punjab state. The state has given land free of cost for these schools and has invested ₹ 150 crore for the construction of these schools.<sup>113</sup> The Punjab Government provided free coaching to students under the

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<sup>111</sup> Aashirwad Scheme (Shagun Scheme), *available at* : <https://punjab.gov.in/wp-content/uploads/2020/05/Aashirwad-Scheme.pdf> (Visited on March 29, 2021).

<sup>112</sup> Houses to Houseless SCs, *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 8, 2021).

<sup>113</sup> Government of Punjab, "A Report of Task Force on Elimination of Poverty" (Department of Planning, 2015), *available at* : [http://pbplanning.gov.in/pdf/Report\\_of\\_Task\\_force\\_on\\_Elimination\\_of\\_Poverty.pdf](http://pbplanning.gov.in/pdf/Report_of_Task_force_on_Elimination_of_Poverty.pdf) (Visited on April 13, 2021).



Scheme for higher education after 12<sup>th</sup> class. The free coaching of NEET, JEE and AIEEE examinations is also provided under these schools.

#### **4.4.8 Financial Assistance to Widows and Destitute Women**

Under this Scheme, financial assistance is granted to widows or destitute women of the age below 58 years and unmarried women above the age of 30 years. Total annual income should not be more than ₹ 60,000/- including business or rental or interest income. Rate of pension is ₹ 750/- per month.<sup>114</sup>

#### **4.4.9 Financial Assistance to Dependent Children**

Under this Scheme, financial assistance is granted to the children below the age of 21 years, whose mother/father or both have passed away or parents regularly absent from home or have become physically /mentally incapacitated to look after the family. Total annual income should not be more than ₹ 60,000/- Per annual including business or rental or interest income. Rate of pension is ₹ 750/- per month.<sup>115</sup>

#### **4.4.10 Financial Assistance to Disabled Persons**

Under this Scheme, financial assistance is granted to blinds, handicapped, deaf and dumb and mentally retarded persons who are unable to earn their livelihood. Handicapped persons, who have less than 50% disability will not be eligible for Financial Assistance. Mentally disabled persons are, however, eligible irrespective of disability. The monthly income of the applicant should not exceed ₹ 1000/- per month in case of individual and ₹ 1500/- per month in case of couple. If the applicant is not earning, the income of his parents should not exceed ₹ 2500/- per month in case of one child and ₹ 3000/- per month in case of two or more children. In the cases of Scheme under the financial assistance to partially mentally weak or mentally retarded persons or handicapped children below the age of 21 years, in the event of death of mother-father/husband-wife/guardian the sanctioning authority/SDM will nominate the near relative as the new guardian/successor on the old application form and old personal ledger account (P.L.A.) number. The financial assistance will be continued without any break to the nominated guardian/successor after approval by the sanctioning officer. In the case of partially mentally weak/mentally retarded

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<sup>114</sup> Financial Assistance to Widows And Destitute Women, *available at* : <https://sswcd.punjab.gov.in/en/financial-assistance-to-widows-and-destitute-women-1#:~:text=Under%20this%20scheme%2C%20Financial%20assistance,or%20rental%20or%20interest%20income.&text=Total%20annual%20income%20should%20not%20be%20more%20than%20Rs.,-60%2C000%2F%2D%20including> (Visited on April 23, 2021).

<sup>115</sup> Financial Assistance to Dependent Children, *available at* : <https://sswcd.punjab.gov.in/en/financial-assistance-to-dependent-children-0> (Visited on April 24, 2021).

person or handicapped children below the age of 21 years the income of successor guardian will not be considered after the of death of mother-father/husband-wife/ guardian.<sup>116</sup>

#### **4.4.11 Reservation for Economically Weaker Sections (EWSs) in direct recruitment in civil posts and services in the Government of Punjab, 2020**

The residents of Punjab belonging to economically weaker sections (EWSs) who are not covered under the existing scheme of reservation for SCs and BCs shall get ten percent reservation in all direct recruitment vacancies in all the departments or boards or corporations or local bodies of the government of Punjab. The persons belonging to state of Punjab whose family has gross annual income below ₹ 8.00 lakh are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e., salary, agriculture, business, profession, etc. for the financial year prior to the year of application. The reservation shall not apply to the posts for conducting research or organising research, guiding and directing research.<sup>117</sup>

#### **4.4.12 National Family Benefit Scheme (NFBS)**

This Scheme is applicable for persons belonging to below poverty line (BPL) category and for those persons who cover in Socio Economic Caste Census 2011(SECC). Under this Scheme, ₹ 20,000/- will be given as lump sum assistance to the bereaved household in the event of death of the bread-winner. It is clarified that any event of death (natural or otherwise) would make the family eligible for assistance. A woman in the family, who is a home maker, is also considered as a 'bread-winner' for this purpose. The family benefit will be paid to such surviving member of the household of the deceased poor, who after local inquiry, is found to be the head of the household. For the purpose of the scheme, the term "household" would include spouse, minor children, unmarried daughter and dependent parents. In case of death of an unmarried adult, the term household would include minor brothers/sisters and dependent parents. The death of such a bread-winner should have

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<sup>116</sup> Financial Assistance to Disabled Persons, *available at* : <https://sswcd.punjab.gov.in/en/financial-assistance-to-disabled-persons#:~:text=Under%20this%20scheme%2C%20Financial%20Assistance,be%20eligible%20for%20Financial%20Assistance>, (Visited on April 25, 2021).

<sup>117</sup> *Available at* : [http://download.ssapunjab.org/sub/instructions/2020/December/AppointmentofNodalOfficerforGrievanceRedressals17\\_12\\_2020.pdf](http://download.ssapunjab.org/sub/instructions/2020/December/AppointmentofNodalOfficerforGrievanceRedressals17_12_2020.pdf) (Visited on May 15, 2021).

occurred while he/she is more than 18 years of age and less than 60 years of age. The assistance would be given to every case of death of bread-winner in a family.<sup>118</sup>

#### **4.4.13 Punjab Ghar Ghar Rozgar and Karobar Mission (PGRKAM), 2018**

The main aims of this Mission are to create necessary framework to facilitate wage and self-employment for the unemployed people of the state of Punjab, to improve employability through skill training/skill up-gradation, to identify areas having potential for employment generation and to harness that potential with government intervention. Various Schemes under this Mission are as follows:

- i) Apni Gaddi Apna Rozgar:** The objective of the Apni Gaddi Apna Rozgar Scheme is to provide self-employment/entrepreneurial avenues to the youth of economically weaker section of Punjab in the transport sector. The Scheme intends to create jobs by way of taxis, light commercial vehicles by engaging prominent private players like UBER. The goal is to empower the youth from weaker section by creating micro-entrepreneurs and to make commercial driving a more organised profession with increased societal respect for the commercial drivers under the scheme.<sup>119</sup>
- ii) Mera Kamm Mera Abhimaan, 2019:** The Punjab government to launch Mera Kam Mera Abhiman employment generation Scheme for urban youth to ensure dignity of labour. This is a sub scheme under the flagship Ghar Ghar Rozgar Scheme to provide jobs to unemployed candidates.<sup>120</sup>

#### **4.5 Efforts During COVID-19 Pandemic in Punjab**

- i) Free food packets for poor families:** The Punjab Government started distribution of free food packets to poor families who do not want to get themselves tested for coronavirus for fear of isolation impacting their meagre earnings. The decision was taken to encourage COVID-19 testing amid rising number of cases and deaths due to the disease in the state. The distribution of free food packets was to encourage poor families to go for early testing, which was imperative to check the spread of the

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<sup>118</sup> National Family Benefit Scheme (NFBS), *available at* : <https://sswcd.punjab.gov.in/en/national-family-benefit-scheme-nfbs-0> (Visited on May 1, 2021).

<sup>119</sup> Apni Gaddi Apna Rozgar, *available at* : <https://pbemployment.punjab.gov.in/sites/default/files/AGAR%20Guidelines%20of%20Ludhiana.pdf> (Visited on May 16, 2021).

<sup>120</sup> Mera Kamm Mera Maan, *available at* : <https://sarkariyojana.com/punjab-mera-kam-mera-abhiman-scheme/> (Visited on May 16, 2021).

pandemic and control the increasing fatality rate in Punjab.<sup>121</sup> On May 13, 2021, the Punjab Government announced delivery of free cooked food to poor coronavirus patients amid a surge in COVID-19 cases. The poor and underprivileged COVID patients living in the state could call up helpline numbers 181 and 112 for delivery of free cooked meals at their doorsteps through the Punjab Police department.<sup>122</sup>

**ii) Subsistence allowance to construction workers:** On May 13, 2021, the Punjab Government announced a subsistence allowance of ₹3,000 to all construction workers registered with the Building and Other Construction Workers (BOCW) Welfare Board. The subsistence allowance of ₹ 3,000 was paid in two instalments of ₹1,500 each, the first one to be released immediately and another by June 15, 2021. The livelihood of these construction workers has been adversely impacted in the wake of various restrictive measures and advisories issued from time-to-time to combat the current situation arising out of the recent spike in COVID-19 cases. The progress of the ongoing construction projects at several places has either stopped or temporarily slowed down, thus severely hitting the income and livelihood of such workers.<sup>123</sup>

**iii) COVID Fateh Kit:** The state Government launched COVID Fateh Kits to ensure regular self-monitoring of health indicators of all COVID patients in isolation to enable early identification of critical parameters to save lives. The kit consists of 18 items including pulse oxymeter, digital thermometer, essential medicines and kaadha among others along with educational material and instructions on use of medicines. Instructions for patients and care givers are provided in the kit which also contained a self-monitoring log chart.<sup>124</sup>

#### 4.6 Reports of Commissions and Committees

The Law Commissions were constituted by the Government from time to time and were empowered to recommend legislative reforms with a view to clarify, consolidate and

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<sup>121</sup> Available at : <https://www.ndtv.com/top-stories/coronavirus-free-food-packets-for-poor-families-to-encourage-covid-testing-in-punjab-2291045> (Visited on April 20, 2021).

<sup>122</sup> Available at : <https://www.livemint.com/news/india/punjab-govt-announces-free-cooked-food-for-poor-covid-patients-rs-3-000-for-construction-workers/amp-11620916456310.html> (Visited on May 14, 2021).

<sup>123</sup> Available at : <https://www.livemint.com/news/india/punjab-govt-announces-free-cooked-food-for-poor-covid-patients-rs-3-000-for-construction-workers/amp-11620916456310.html> (Visited on May 14, 2021).

<sup>124</sup> COVID Fateh Kit, available at : <http://www.diprpunjab.gov.in/?q=content/punjab-cm-launches-covid-fateh-kit-covid-patients-hospital-home-isolation> (Visited on April 17, 2021).

codify particular branches of law where the Government felt the necessity for it. Various reports of Law Commissions and Montek Singh Ahluwalia are discussed hereunder:

#### **4.6.1 The 14<sup>th</sup> Law Commission Report**

The Law Commission of India in its earlier Report suggested that legal aid will have to be first given to person accused of crime, particularly crimes of serious nature. Members of scheduled castes and scheduled tribes who generally are without means will have to receive preferential consideration. Legal aid will have next to be extended to really poor persons and then gradually made available to persons of moderate means who are unable to bear the cost of litigation. Free legal aid to poor persons and persons of limited means is a service which the modern State and in particular as welfare State owes to its citizens. The State must, therefore accept this obligation and make available funds for providing such legal aid to poor persons and persons of limited means. The legal profession must in the main, if not entirely, accept the responsibility for the administration and working of schemes of legal aid. This responsibility should be discharged by the profession by organising and by serving on bodies which will render legal aid and representing in courts poor persons or persons of limited means on the payment of only a proportion of the fees payable on taxation. The legal profession owes a moral and social obligation to poor members of society which it must discharge by every member of the profession doing a certain amount of legal work free for poor persons. Bar associations should take immediate measures to render legal aid on a voluntary basis.<sup>125</sup>

#### **4.6.2 The 223<sup>rd</sup> Law Commission Report**

The Law Commission of India in its Report stated that every man and woman have the human right to a standard of living adequate for health and well-being, to food, clothing, housing, medical care and social services. These fundamental human rights are defined in our Constitution. The right to be free from poverty includes the human right to an adequate standard of living, right to live in adequate housing, right to be free from hunger, right to primary health care and medical attention in case of illness. Thus, poverty is a human rights violation. Fundamentally, a human rights approach to poverty is about the empowerment of the poor, extending their freedom of choice and action to structure their own lives.

The international normative framework empowers the poor by granting them human rights and imposing the legal obligations on others. Rights and obligations are required to be

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<sup>125</sup> Law Commission of India, “14<sup>th</sup> Report on Reforms of Judicial Administration- Vol. I, chapter 27” (September, 1958).

supported by a system of accountability or else they become no more than window dressing. Accordingly, the human rights approach to poverty reduction emphasises obligations and requires that all duty-holders, including States and intergovernmental organisations be held to account for their conduct in relation to international human rights. The enjoyment of the right to participate is deeply dependent on the realisation of other human rights. If the poor are to participate meaningfully, they must be free to organise without restriction (right to association), to meet without impediment (right to assembly) and to say what they want without intimidation (freedom of expression), they must know the relative facts (right to information) and they must enjoy an elementary level of economic security and the well-being (right to a reasonable standard of living and associated rights). It is less openly recognised that the poor also suffer from a lack of information. Over and over again poor people mention their isolation from information, information about the programmes of assistance, their rights, contacts about work that affect their lives directly.

Poverty is indisputably the most potent violation of all human rights and constitutes a threat to the survival of the greatest numbers of the human population. As poverty has intensified in both rich and poor nations alike, the view of poverty as a human rights and social justice issue has gained increased recognition. The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might in some situations constitute a threat to the right to life. A human rights-based approach to poverty views the poor as holding inalienable fundamental rights that must be respected, protected and fulfilled. If injustices and discriminations in society are the main reasons for poverty, then as an effective operational mechanism, the human rights-based approach to development demands<sup>126</sup>:

- **Participation and transparency in decision-making:** This implies making participation throughout the development process a right and the obligation of the State and other actors to create an enabling environment for participation of all stakeholders.
- **Non-discrimination:** This implies that equity and equality cut across all rights and are the key ingredients for development and poverty reduction.
- **Empowerment:** This implies empowering people to exercise their human rights through the use of tools such as legal and political action to make progress in more conventional development areas.

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<sup>126</sup> Law Commission of India, “223<sup>rd</sup> Report on Need for Ameliorating the lot of the Have-nots: Supreme Court’s Judgments” (April, 2009).

- **Accountability of actors:** This implies accountability of public and private institutions and actors to promote, protect and fulfill human rights and to be held accountable if these are not enforced.<sup>127</sup>

#### **4.6.3 Report of Group of Experts headed by Montek Singh Ahluwalia**

The Government of Punjab constituted a group of experts to develop a medium term and longer term post-COVID Economic Strategy for Punjab. The main objective of this group of experts is to revive the State's economy in the aftermath of the COVID-19 crisis. The group identified the key actions that are needed to help Punjab get to its new normal growth rate and restore it to a pre-eminent position in the country and globally. The group of experts has recommended measures including deferring salaries of employees, raising tax on liquor, avoiding fresh recruitment in police and higher professional tax. The group of experts described free power to farmers as highly regressive and said it has limited the government's ability to incur other expenditures essential for Punjab's development. The report also stated that the several states have deferred the payment of salaries of all categories of employees by varying percentages.

The Government of Punjab need to take a similar step to deal with the resources problem. On the issue of pay scales, the group of experts found that the pay scales of the Punjab government were much higher than the central government. It recommended the government should pay only central pay scales for all future employees. It is also pointed out in the report that the police to population ratio is much higher in Punjab than in other states, it advised the state government not to raise additional contingents of police and also refrain from fresh recruitments for the next few years. The expert group also stressed on the need for diverting 10 lakh hectares of area under paddy to other crops in next six to seven years. It is also recommended Punjab to follow the model of Haryana which is giving an incentive of ₹ 7,000 per acre in over-exploited blocks to shift out of paddy.<sup>128</sup>

#### **4.7 Role of Non-Governmental Initiatives**

There have been non-governmental initiatives too towards poverty alleviation. For example, OXFAM, an international confederation of 15 human rights organisations fighting poverty and injustice, launched a new campaign in June, 2011 for a hunger free world. It has

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<sup>127</sup> *Ibid.*

<sup>128</sup> Montek Report to Punjab Government, *available at* : <https://www.hindustantimes.com/chandigarh/montek-report-to-punjab-govt-punjab-s-free-power-policy-highly-regressive-benefits-only-big-farmers/story-CaCniZxZWjngZ98HEhoDtN.html> (Visited on June 6, 2021).

raised its concern at the flaws in food grain distribution and marketing system. It calls for a need to transform the way food is grown and shared. It is keen to replicate the Green Revolution in the rest of the country particularly in Uttar Pradesh and Bihar.<sup>129</sup>

#### **4.8 Efforts by Self Help Groups**

Self-help groups (SHGs) are groups of people who provide mutual support for each other. The members share a common problem, often a common disease or addiction. The movement can be a handy instrument for poverty alleviation programmes. The concept of self-help groups has been catching the imagination of the rural poor gradually, but definitely. Self help group involvement encourages and develops thrift and credit activities among the rural poor. It helps the poor to be self reliant to face emergency situations and to free themselves from the likely exploitation by the vested interests. Social mobilisation is an integral part of self-help group movement. It improves collective bargaining power of the poor. The progress of the self-help group initiative has been noteworthy, particularly in the south and among women.<sup>130</sup>

#### **4.9 Conclusion**

Combating poverty needs the elaboration and adoption of effective laws, as well as policies and programmes and their proper implementation. Institutions should also be strengthened. How far the law can serve to reduce poverty depends to a large extent on whether the law responds to the specific needs and circumstances of the people, whether the poor have been fully consulted and have participated in the development of the law and its implementation, as well as factors such as respect for the rule of law, and political will. Multiple factors cause and sustain poverty, but specific legal interventions can be prioritized to aid poverty reduction measures.<sup>131</sup> In spite of the Constitutional safeguards and State legislative intervention in favour of the poor and the needy, their socio-economic condition is deteriorating. Social and economic equality still remains a mirage for them. The process of poverty alleviation is painfully slow, the main reasons being the population growth, the lack appropriate delivery services and widespread corruption at many levels. If law speaking in the name of the public of this country attacks the problem of poverty and seeks to remove from the lives of its innumerable citizens the evils of want, disease, ignorance, squalor and

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<sup>129</sup> *Supra* note 13 at 28.

<sup>130</sup> *Id.*, at 29.

<sup>131</sup> Available at : <http://www.fao.org/3/ca3524en/CA3524EN.pdf> (Visited on April 3, 2020).



idleness, it will have achieved a noble purpose without class conflict, in a peaceful, non-violent and democratic way. In spite of all these policies and programmes etc., poor are yet poor and funds are being syphonised by middle and local authorities.