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Research Paper Economics



A Socio-Economic And Statutory Approach Towards Right To Life

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ABSTRACT

Article 21, i.e. right to life and personal liberty in its scope include right to shelter. Food, shelter & cloths are the basic needs of human beings. If we take example of shelter, Olga Tellis a writ proceeding in the High Court, the pavement dwellers gave an undertaking that they would not claim any fundamental right to put up huts on pavements or public roads and that they would not obstruct the demolition of the huts after a certain date. Later when the huts were sought to be demolished after the specified date, the pavement dwellers put up the plea that they were protected by Article 21. It was argued in the Supreme Court that they could not raise any such plea in view of their previous undertaking. The court overruled the objection saying that Fundamental Rights could be waived. There can be no estoppel against the constitution which is the paramount law of the land. The constitution has conferred fundamental rights not only to benefit individuals but to secure the larger interests of the community. The court observed: "No individual shall cash barter away the freedoms conferred on him by the Constitution. Therefore in spite of their earlier undertaking in the High Court, the pavement dwellers are entitled to raise the plea of Article 21 of the Constitution in their favor. It means court only gave directions only considering any right as a fundamental right would suffice the purpose? As we experienced in our day to day life there are so many people who having no roof on their head state government and Central Government have many housing polices. Then why the houseless people live here & there on footpaths. It is a big antithesis in this democratic country that we declares only hollow declarations. Because of non implementation of this right again in Shankar Gauri v. Union of India held that shelter is not fundamental right.

Keywords : Fundamental right, Right to Travel Abroad, Right to Privacy includes right to personal liberty, Pollution free air and water, Right to Suicide.

International Conventions and World dimension of life & liberty:

Right to life & personal liberty is the most precious, sacrosanct, inalienable and fundamental of all the fundamental rights of persons. It is one of the most essential basic human rights in a democratic state. It is the back-bone of human rights movement both at national and international levels. The human rights is a direct progenitor of doctrine of natural law. Natural law thus led to the formulation of human rights. The doctrine of natural right has neither been invented by 'John locke' nor it has been discovered by 'Jean Jacques Rousseaue'. It seems to be a logical outcome of the protestant revolt against authority of tradition and private judgment of an individual's conscience. All men are by nature the creation of God and from him alone have derived a natural right to enjoy freedom as their birth right & privilege.

Right to life is substantive right. So most of the countries have given prime importance to this right in their respective constitutional mandates, conventions, documents etc.

Right to life is a phrase that describes the belief that a human being has an essential rights to live, particularly that a human being has not to be killed by another, human being. The concept of a right to life is central to debates on the issues of Capital punishment, euthanasia; self defense, abortion and war. The Right to life is enshrined in article 2 of the United Nations Universal declaration of Human Rights and in Article 6 of the International covenant on civil & political Rights, making it a legally enforceable rights in every United Nations member state.

According to Article 6.1 of the International covenant on civil & political Rights every human being has the inherent right to life. This right shall be protected by law. No one shall e arbitrarily deprived of one's own life.

The basic law for the federal Republic of Germany holds the principle of human dignity paramount, even above the right to life. The Catholic Church has issued a charter of the rights of the family in which it states that the right to life is directly implied by human dignity.

Right to Life under the Constitution of India:

Right to life and personal liberty is the most cherished and pivotal Fundament Human Right around which other rights of the individual revolves and therefore its study assumes special significance. The concept itself has been borrowed from the English political thought and has been enshrined in our constitution under Article 21 of the constitution of India [n] o "person shall be deprived of his life or personal liberty except according to procedure established by law."

Right to Shelter include in Right to life:

Both in *Francis coracle Mullin* & *Olga Tellis*, was the right to shelter was accepted as a part of the right to life, which has put life and vigour to this requirement, because in those cases, the right to dwell on pavements or in slums was accepted as a part of the right conferred by Article 21, which as, would be seen later, takes within its fold the right to livelihood. As the persons whom *Olga Tellis* represented in the case were staying on payments or in slums to enable them to earn their livelihood in places nearby, the court came forward to protect them and desired providing of alternative accommodation for some categories of people.

Right to life means not merely animal existence but it includes the fulfillment of at least some basic needs same was held in

Shantirtar Buibalers, the following observations are important in the context

> Basic needs of man have traditionally been accepted to three food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food clothing decent environment and a reasonable accommodation to live in the difference between the need of an animal and a human being for shelter has to be kept in view for the animal it is the base protection of the body for a human being it has to be a suitable accommodation which would allow him to grow in every aspect, physical mental and intellectual.

It is about shelter it means for living life house or roof on ones head is must but can anybody live without food? the answer is no and for get fetching food, some kind of earning should be there so in right to life, right to livelihood and right to work are also included in the ambit of right to life.

Right to livelihood and right to work:
Shakespeare in his *'Merchant of Venice'* "[Y]ou take my life when you take the means whereby I live" live is reiterated though in different wordings by the Supreme Court in *Olga Tellis* Where it was ruled that "Deprive a person of his right to livelihood and you shall have to deprive him of his life".

In S*tate of Maharashtra v. Chandrabhan*, it was held that payment of subsistence allowance at the rate of Re.1/- per month was held to be violative inter alia, of Article 21, by observing that this amount can never surtain a civil servant for even a day much less for a month suspension for long period without concluding the departmental proceedings within a reasonable period and with reasonable diligence was held to be violative of this Article.

It means for earning livelihood, there is right to work but it is not sufficient and there should be reasonable remuneration according to that work. Then only that right to work has true meaning.

In *K. Nagraj*, the Supreme Court held that the reduction in retirement age from 58 to 55 was not held to be violative of Article 21, by stating that the retirement age does not take away livelihood it merely limits the right to hold office to a stated number of years. It was pointed out that if a reduction in retirement age were held to be violative of this Article, it will become impermissible to fix the age of retirement at all. The abolition not regarded as deprivation of the right to life.

On the question of right to work, two decisions of the Supreme Court have taken two different views. The first is by Sawant J. as a member of the constitution bench in Delhi. Transport corporation's case wherein he has stated as under.

> The right to life includes right to livelihood. The right to livelihood therefore cannot hang on to the fancies of individuals in authority. The experiment is not a bounty from them nor can its survival be at there mercy. Income is the foundation of many fundamental rights and when work is the sole source of income the right to work becomes as much fundamental. Fundamental rights can ill afford to be consigned to the limbo of undefined premises and uncertain applications. That will be mockery of them.

Thus right to life includes right to work and right to livelihood is not stated only in Indian context but United States Supreme Court also has regarded the right to work as the most precious liberty. This would appear from the following observations of Douglas J. In *Barsky*. Following.

> The right to work, I had assumed was the most precious liberty that man possesses Man has, indeed as much right to work as he has to live, to be free, to own property…To work means, to eat. It also means to live for many it would be better to work in jail than to stay idle on the curves."

One can in from the above that, without work there is no dignity to human being prisoner's life is also better than an idle human's life.

Right to life with Dignity and the concept of Health:
For doing work for earning money one should have good health because "health is wealth" and without health one can not collect wealth. So health is an important facet of life Article 25(2) of the Universal Declaration of Human Rights, 1948 assures that everyone has the right to a standard of living adequate for the health and well-being of himself and his family……including medical care, sickness and disability.

Article 7(b) of the International Convention on Economic Social and Cultural Rights, 1966 recognizes the right of everyone to the enjoyment of just and favorable conditions of work which ensures in particular safe and healthy working conditions.

Article 39(e) of our constitution enjoins upon the state to direct its policies to secure the health and strength of workers. It was held by Ramaswami J. in *C.E.S.C. Ltd,* that the aim of fundamental rights being to create an egalitarian society and to make liberty available to all to the tillers of the soil, wage earners, labourers, wood-cutters, rickshaw-pullers, scavengers and hut duelers, the civil and political right to physical and mental health is to be treated as an integral part of the right to life.

The learned Judge thereafter stated that the term 'health implies more than an absence of sickness. Facilities of health and medical care generate devotion and dedication to give the workers' best, physically as well as mentally, in productivity. It enable the worker to enjoy the fruit of his labour, to keep him physically fit and mentally alert for leading a successful, economic, social and cultural life. It was reemphasized in the light of Articles 22 to 25 of the Universal Declaration of Human Rights, International Convention on Economic, Social and Cultural Rights and Socio-economic justice assured in our constitution, that right of a workman, the realization of which requires interaction of many social and economic factors including just and favorable conditions of work, periodical medical treatment and prevention of occupational disabilities.

Further in *Bandhua Mukti Morch* and *Akhil Bharatiya Soshit Karmachari Sangh* the court was of the following opinion:

> In a series of pronouncements during the recent years this Court has called out from the provisions of part IV of the constitution these several obligations of the state and called upon it to effectuate them in order that the resultant pictured by the constitution fathers may become a reality. As printed out by us, maintenance and improvement of public health have to rank high as these are the building of the society which the constitution makers envisaged. Attending to public health in the opinion of the court therefore is of high priority perhaps the one at the top.

To do efficient work depends upon good health and good health depends upon good environment. It means there should be pollution free air, water and pollution free surroundings. Hence pollution free environment is a fundamental right concern.

REFERENCES

Shankar Gauri v. Union of India, JT (1994) 5 SC 634: (1994) 6 SCC 349 | Deshta S.R.K., Fundamental Human Right 1 New Delhi: Deep & Deep publication Ltd., 2004 | Francis Cordlie Mullin v. Union Territory of Delhi, AIR 1981 S.C. 746 | Olga Tellis V. Union of India, AIR 1986 S.C. 180 | Shantistar Builders v. Narayan Khimalal Tatame, AIR 1990 s.c. 630 | State of Maharashtra v. Chandrabhan AIR 1983 S.C. 803 | K. Nagraj V. State of Andhra Pradesh, AIR 1985 S.C. 551 | Delhi Transport Corporation V.D.T.C. Mazdoor Congress, AIR 1991 SC 101:1991 Supra (1) SCC 600, page 173 | Barsky V. Board of Regents, (1954) 347 U.S. 442 | C.E.S.C. Ltd. V. Subhas Chandra, (1992) I S.S.C. 441, Para 30. | Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 80201984) 3 SCC 169. | Akhil Bhartiya Soshit Karmchari Sangh v. Union of India, AIR 1981 SC 298: (1981) 1 SCC 246

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