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PERTINENCE OF THE RIGHT TO LIVELIHOOD

IN COMPANY TO THE CONTEMPORARY

PERIOD OF THE GLOBAL PANDEMIC N- COVID 19

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ABSTRACT

Article - 21 of the Indian Constitution stands as a safeguard in regard to the Right to livelihood that has been an unquestionable to the habitual chapter of the right to life and personal liberty that has been a certain birthright bagged by an individual from the first footsteps in this nation. Every individual has been surrounded with innumerable rights that is truly specified as an evocate of the fact within the scope of Article 21 Of the Constitution of India.

In the current contemporary span, it has been traced out that the outburst of the global pandemic N- COVID 19 has created a major bane not only in the segment of health but also in the arena of occupation as well as also upon the livelihood of the common people and this situation has created a drastic impact and also turned out to be a big brawl of survival. Thus, as a consequence, it has been noted that many people have diverted their occupation in regard to a better prospect for them and their families.

KEYWORDS: Safeguard, Unquestionable, Birth Right, Bagged, Innumerable, Evocative, Outburst, Brawl.

INTRODUCTION

Right to livelihood has been marked as a major birth right that is to be possessed by an individual since the day of one's footsteps to the nation. The International Covenant on Economic Social and Cultural Rights in the year 1966 has been an adoption to the General Assembly of the United Nations, in regard to the shielding of the social, cultural, as well as the economic rights of an individual through certain legal mechanism that is certainly an inclusion of the right to work in a favored working state of affairs and also to an adequate standard of living.

Article 6 to 7 of the International Covenant on Economic Social and Cultural Rights ensures that every individual reserves the right in enjoying the right to form and join trade unions and also the right to work. Article 9 ensures that every individual enjoys the right to access social security, article 10 and 11 provides a certain provision in regard to the safeguard as well as assistance to the families and also the right to an adequate standard of living. On the other side, Article 21 of the Constitution of India have mentioned specified provision in regard to the right to livelihood as a fundamental right that is a necessity for every individual in the civil society as a whole.

The International Labour Organization conventions has wrapped a huge diversified zone mainly highlighting upon the societal issues that certainly included the right of an individual in a workplace covering the minimum wages, the industrial relations policy, the policies in a linkage to the employment, whereby there has also been an inclusion of the Maternity Protection convention, the convention of the Night Work Women, the Equal Remuneration Convention, and others. These conventions mainly emphasized upon the promotion of equality in terms of employment eradicating out the grounds of religion, race, caste, creed, sex, etc. Thus, to keep in accordance with the constitutional provisions as well as the international conventions the paper highlights the contemporary issues of the right to livelihood in the present pandemic time, along with certain current facts and information.

LITERATURE REVIEW

GULKHAREVA (2003), Gulkhareva in the year 2003, in his work upon the right to livelihood as a fundamental right basically prayed about the core of actions towards a limitation as an individual togetherness in variation of certain circumstances.

SHARMA D.K. (2019), Professor D.K. Sharma in the year 2019, in his work on pertinence of the Right to livelihood mainly highlighted upon a confirmed freedom and also upon a certain civic establishment.

SAKSHI J.N. (2008), Professor J.N. Sakshi in his exploratory work on the Right to livelihood as a constitutional mechanism highlighted upon an independence scenario as a progression of a nation.

CHOWDHURY JATISH KUMAR (2004), Professor Chowdhury in his research work on the Right to livelihood traced out the significance of the independence of the right to work as a company of the constitutional doctrine.

That from the study of the above experimental work of the analysts in regard to the work on the Right to livelihood it has been traced out that the researchers basically spoke about the right to livelihood as a constitutional mechanism in safeguarding the engrossment of the common individual as a whole. Here, the researchers basically spoke about the concept of independence has been highlighted nonstop as a mark of the progression of the nation in making a capable enough for its competence marking.

According to this topic, here the researcher would be gradually highlighting the relevance of the right to livelihood in special mentioning with the difficulties as well as the hard times in the battle of the global pandemic N COVID 19. The researcher would also be focusing upon the issues as well as also providing certain remedial measures and phenomena to it. That from the above study it has been traced out that there should be an essence need of certain medicament explanation in highlighting the indigenous right to livelihood as a legal substructure in mirroring the nation's progression to the future at it's finest gesture of representation to the international diaspora. So that before a framework is adopted for marking and signifying the history as well as the legal exploratory work along with its

requisites, the gaps available in the facts and information shall be traced out and these discrepancies must be stated in the next framework.

MATERIALS AND METHOD

The researcher while conducting the research work has done a comparative research work. Basically, the research work has been conducted through reference of certain periodicals, electronic books, journals, electronic magazines, and some other electronic data through certain specified websites.

Here, the study is all about the pertinence of the right to livelihood in company to the global pandemic N COVID 19, and there has been a reference of constitutional provisions. The researcher would be highlighting upon the major points of the right to livelihood that is certainly marked as a fundamental right and has been broadly marked as a special recognition by the Indian Constitution that has been given a statutory provision to it.

While conducting the research work, the researcher has referred secondary sources of data and that too there has been a mixture of the different methodological formula, those were certainly competent enough but to be said that it cannot be termed to be exclusive or mutually exclusive as the main domain of the research is all about the relevance of the right to livelihood in reference to the contemporary challenge N COVID 19.

That the researcher has gone through a broader interpretation along with a conjunction of the previous research works of the researchers, where they have portrayed the concept of independence as well as freedom through the term of right to livelihood but there has been a gap in reference to the pandemic situation, where a number of individuals were bound to take a diversion from their main occupation cause of complying their fundamental necessities in these complex hurdles of life. The researcher would also suggest certain essential measure in the process of overcoming this challenge through this work and also would light upon its major outcomes in the upcoming times. That there are certain drawbacks or limitations that has been described while going through this exploratory work and that are as :

1. The researcher has done a comparative study.
2. There has been no tabular interpretation
3. The entire research work is based on secondary sources of data.
4. The entire research work is based upon facts and is true to the knowledge.

5. The researcher did not use any kind of mathematical tools.
6. No empirical work has been conducted.
7. The researcher has referred as much simple phrases and terms as possible in the research work.

DISCUSSION

The concept of the right to livelihood basically incorporates shelter, fooding, education, profession, as well as medical care. As the beginning of the paragraph itself suggest Article 21 of the Indian Constitution proclaims the right to life and personal liberty as Magna Carta as a safeguard mechanism of life and personal liberty.

“Article 21 is the proceeding Magna Carta protective of life and liberty.”- Justice Iyer-

A human being possessing a self-identity with a proper dignity is regarded to be the fundamental right that has been guaranteed by the Indian Constitution and that is certainly an act of protective shield against the threatening effect of the right to life and personal liberty. That the article has been thoroughly revised through various High Courts as well as the learned Supreme Court of India, where the interpretation has been a clear cut proforma in making it a bona fide to the interpretation of the Article 21 that certainly verifies the Right to life and personal liberty. The article skirts within itself an innumerable right and that is certainly regarded as an indication of the facts as well as the information that is certainly within its ambit.

In accordance to the continuous appropriate jurisprudence, the learned court has mentioned that right to livelihood is one of the essential ingredients of the right to life and personal liberty with dignity. That a clean and healthy environment is one of the integral aspect for the purpose of an alive human civilization, a hygienic and a good healthy environment has been a major mandate towards the Central as well as the State Government in preserving the system of the natural ecology for promotion of a good and a wellbeing atmosphere of livelihood, as the right to livelihood is one of the major constitutional minute that has been prescribed by the rule of law, the rule of law preliminary makes a sense in equality before law, supremacy before the law, and predominance of the legal spirit, as propounded by Justice A.V. Dicey.

“Extended Jurisprudence of Article 21 with reference to Right to Livelihood.”; <https://www.blog.ipleaders.in;2022,India>.

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That in reference to the case of Francis Coralie Mullin v. The Administrator (1981), Justice P. Bhagwati clearly interpreted that in reference to the provision of Article 21 of the Constitution of India has recognized its constitutional significance as a matter of concern to democracy that certainly in highlighting the issue of Kharag Singh v. State of Uttar Pradesh, the Supreme Court upheld through an interpretation that the word “life” has been inserted in a literal meaning that has been a mere animal existence. That the shyness against its deprivation has been a wider expansion towards those arms and the privileges has been entertained, whereas on the other side, the provisions identically as well as uniformly forbids the disfigurement of the body of a human being through a cut off an armored leg. On the other side, in reference to the matter of Sunil Batra v. Delhi Administration, the Supreme Court repeated that in reference to the interpretation of the Kharag Singh case, the concept of the right to life certainly gives a major inclusion of the right to live with human dignity, whereby it has mentioned about the test of procedural fairness and has been deemed to be one as an instrument in safeguarding such rights where the workers have been lawfully obliged in enjoying the right to public employment that is certainly a conglomerate in the legal dais of the right to livelihood.

That literally, the meaning of right to livelihood has been interpreted widely as a guarantee under Article 21 of the Constitution of India, where it has spoken several times as sustaining of life with self-dignity, individuality, as well as personality. The conventional content of human rights has certainly been revolving around the values of liberty as well as also the autonomy of several individuals that has been certainly regarded as a socio-economic mandate of a social being which is to be well preserved and well safeguarded against any violation. Generations after generation it has been in the process of deliberation at the venue of the human rights chapter.

That it has been in the content of the ethics of the Directive Principles of the State Policy, where the state should be legally obliged in maintaining certain principal norms in regard to its implementation with a significant effect towards the society as a whole, the law also points out that there should be an implemented mechanism in preservation as well as protection of the right to livelihood that has been guaranteed as a human right under the constitutional provision.

Pointing out the case of “Re Sant Ram”, AIR 1960 SC932 the case that has arisen before, whereby the question that occurred was all about the inclusion of the right to livelihood as an ingredient of the right to life. However, the answer that suggests that Article 21 of the Constitution of India has been a broad explanation and that cannot be snatched or taken away through any other mechanism.

1. “Right to life and Livelihood.” <https://www.lawlex.org>. ;2022’India.
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RIGHT TO LIVELIHOOD A VITAL DARE IN THE PERIOD OF GLOBAL WIDESPREAD COVID 19

That in the contemporary society it has been observed that the emergence of the global pandemic N - COVID 19 has been the evil eye towards the societal community. This has basically created a great havoc and has undeniably been crucial in contributing towards the wellbeing as well as also the rapid acceleration of the individual. But since the emergence of the health atrocite, it has been found that there has been a result of a tremendous threat towards the regular life of an individual and also the question of life on death in the health segment. Taking into account that during the pre-implementation of the first nationwide lockdown in the year 2020, in the month of March, there was a number of goals that was supposed to be attained but as the lockdown has been implemented, it has been traced out that the educational segment has been broadly affected and that certainly pointed out in shut down of several establishments for uncertain as well as also for unspecified days.

As it has been noted that during the drastic period, there was a consequence of the decline of health and safety, a number of people were found to be broadly infected with the corona virus and these led to shut down of various establishments, offices, factories and other industrial hubs that certainly made the economy head towards an uncertain and an unpredictable destination in the days of income and earnings. It has also been observed that during the pandemic period, a number of workmen, who were associated in an association had undergone through some ill health and that has been a major consequence in the downfall of the economy, several individuals were associated with the organizations of various overseas and were bound to quit their regular organizational assignments by their supervisors and were asked to depart straight away to their home town with a lesser capital in their hands that turned out to an un employment in India.

As the employees fell sick, their activity hours were reduced, even they were also undergone through several organizational atrocities like lay off, retrenchment from their work place for an uncertain period. Though some of the organizations have started with the policy of “Work from Home.”, where an individual workmen can avail his or her regular course of activity in a virtual method, as throughout the globe there has been an imposition of a rule of strict confinement provision, in order to eradicate the rapid spread of the disease of corona virus. In reduction of the rate of mortality, several business institutions, corporate establishments were lawfully bounded to remain shut down for an indefinite period and on the other side it has also been to a serious concern in regard to the shortage of the household stock that the entire situation has turned out to an unprecedented, where the nations were struggling constantly for reduction of the consequence of lockdown as it has been creating an obstacle in the day to day life of the common citizens as a whole. That the concern of fast and a rapid shock has been unpredictable and for this several European nations adjudicated in framing a scheme of accessing to short time work by proving the immediate managers as a generous to their organizational staff.

There were several Multi-National Companies situated at the nations of Europe, who have taken an initiative of employee retention, by designing of certain strategies and also formulating several employee retention plans, so that their existing employees may not divert their occupation towards some or the other, keeping in purview of their status as well as their societal position. That their policy of job retention has certainly replaced a significant in the zone of losing of the share of wages for those workmen who have been working in a reduced

time frame apart from their allotted time schedule. These measures have played a vital role in securing the income of these workmen and have also helped out in providing a degree of income security for many persons as a whole.

On the other side it has been found that this framework has not extended till those people whose livelihoods has been affected at large. That the a COVID 19 pandemic has brought a structural dare in safeguarding of societal certainty that survived during the pre-crisis period and at these both difficult as well as in the post crisis time period, it should be the primary task to well address the situation in such a manner, where it must ensure the social need of a human being as a necessity.

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CONCLUSION

Concluding with the fact that a person who has been aggrieved from his fundamental right of right to livelihood would certainly create a major cause of its negative content and would consequently turn up as a meaningless of an individual.

That such deprivation would be a synonym of violation of the rule of law that has been established by the Constitution of India. In the case of the Secretary of State of Karnataka v. Uma Devi (3), AIR 2006, SC 1806 the argument of the right of employment, as a fundamental right under Article 21 of the Constitution was not considered well by the Honorable Supreme Court of India, rather it is the duty of the state in generating employment to the people, by concluding that employees accepted the employment on their own violation and with eyes open as to the nature of employment. Finally, the court also denied the

argument that the right to life and personal liberty under Article 21 cannot include the right to employment.

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