

Right to work in India: An obligation yet to be fulfilled

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Abstract

Tilak, Gandhi, Nehru, Patel, Ambedkar and Lohiya were the six most important leaders of the modern India. The six leaders have been important not only because they played a critical role in India's struggle for freedom from colonial rule, and have become symbols of India's independent nationhood, but their legacy is also imbibed in the perspectives they articulated on India, its pasts and its possible futures. The worst part of it all is doctors and engineers, even lawyers, compete with one another to enter the Civil Service, and in this unseemly melee, the less fortunate competitors have perforce to reconcile with clerical post even in certain institutions.

Keywords: Modern India, independent nationhood, colonial rule.

INTRODUCTION

In India, even 72 Years of independence, no meaningful changes have been brought in the service-oriented education. It is amazing and regrettable too that even those who come out of the professional institutions with degrees and diplomas go about hunting for jobs instead of pursuing the appropriate line of self-employment. This attitude of Indian young men and women is responsible for the molting number of unemployed. Yet another no-less important criticism against Indian educational system in India is that at every stage it prepares the alumni to seek the next higher degree or diploma, instead of imparting the necessary training and skills which would help them work independently and contribute to the prosperity of the country, besides providing for themselves. One other unintended casualty in this academic rat race is that while the more fortunate few climb up the of higher academic pursuits, the rest are dropped midway and left high and dry.

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The worst part of it all is doctors and engineers, even lawyers, compete with one another to enter the Civil Service, and in this unseemly melee, the less fortunate competitors have perforce to reconcile with clerical post even in certain institutions.¹ This exodus of professional degree and diploma holders into the civil services, irrespective of the cadres and ranks, has the side-effects of thwarting the chances of the really deserving aspirants. There is a limit to the State going to the rescue of its unemployed citizens. With the rapid advances made by science and technology, the human labour is gradually and steadily being replaced by mechanical devices. Here arises a conflict between human labour and mechanical labour. If the human labour is given any preference, scientific and technological progress will automatically be arrested, leading to certain economic stagnation, and consequent widening of the gap between the demand and supply of material comforts. For basically and essentially, all human desire and efforts are directed towards the acquisition and enjoyment of comforts and happiness.

It will thus be seen what a formidable and gigantic task is to generate employment opportunities in such a vast, populous country like India. It must be recognised that the era of labour-intensive development projects is over. Mechanisation permeated all human activities to such an extent that the services of even domestic servants have become superfluous with the availability of several electronic devices and gadgets. In such situation where employment opportunities are fast decreasing with the machines usurping the place of human labour, it is difficult to imagine how 'right to work' can become a realisable Fundamental Right in the foreseeable future. With a population of over 1000 million, India has been rated as one of the largest contributors to the world's growing population. The bulk of India's population resides in villages and their mainstay is agriculture. But, with the growth in population the pressure on land has risen manifold and those depending on agriculture have perform to seek other jobs to make to make both ends meet since agriculture has reached a saturation point. This has led to a situation where the rural population has begun to gravitate towards cities and towns in larger numbers in search of better jobs. Consequently, work in the form of unemployment arid underemployment in cities and towns have increased by leaps and bounds.

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The reformist vision of Gandhi, who wanted to construct a harmonious and self contained village, uncorrupted by the modem life of the city and western technology continues to find its echoes in present times. It was only through the reconstruction of the village that India, for Gandhi, could recover its lost self and attain true freedom. Nehru's

¹Panchayat raj institutions

modernist vision of the Village has been the source of much of the official policies and programmes of rural development initiated by the government of India after independence, particularly during the 1950s and 1960s. His vision was to develop the village and the agriculture through the new technology and abolition of outdated structures of agrarian relations. Various programmes of rural development that took modern technology and new seeds to the cultivators have significantly transformed Indian agriculture. Ambedkar, in his writings articulated a subaltern view on the village 80 called virtues of traditions living turn into oppressive structures. In his view he thought that the village where it was impossible to escape from one's identity.

The idea of planning as a corner stone of economic reconstruction of free India was first outlined by a national leaders in his presidential address at the Haripura session of the Indian National Congress held in February 1938. In his address Netaji envisaged that the first task of the Government of Free India would be to be set up a 'National Planning Commission, whose primary task would be to prepare a blue print for the socio economic reconstruction of India with emphasis on eradication of poverty, providing a sound base to the agricultural economy and industrial infrastructure. This objective inaugurated in 1938 the Committee² under the aegis of the Indian National Congress and Pundit Jawaharlal Nehru was appointed as the chairman of the committee. This committee became the precursor of the Board³ set up by the interim Government of India in 1946 and the first planning commission of Free India which was constituted in 1950. As one goes through thrusts of various five year plans, the process of evolution of planning based on needs of the economy and political structure becomes discernible.

In the post partition period, in the first Five Year Plan, the thrust was inevitably on economic stability and consolidation of the economy. To provide the necessary infrastructure for development, the second plans give emphasis on heavy and basic industries. To achieve this goal, in the third and fourth plans, stress was given on the public sector. For the first time, in the fifth plan, exercises were undertaken to consider redistributive aspects of economy and poverty estimation. The agricultural strategy was for food self sufficiency. The Sixth plan emphasised the schemes and programmes for employment as a sequel to the exercises undertaken in the previous plan. The seventh plan concentrated on efficiency aspect of industries and for this purpose a thrust was given to science and technology. The eighth plan showed a pronounced shift from public sector to private sector. The perspective appeared to be that whatever could not be managed by the private sector should be left to the public sector. The ninth plan had concentrated on decentralisation, cooperative federalism and a more rational methodology of estimation of poverty that would bring the computed poverty ratio estimations closer to the ground realities.

²National planning committee

³Advisory planning board

The constraints on the Indian economy have been vast unemployment and inequalities, and consequent poverty, inadequacy of capital and lack of sufficient technological inputs. To overcome these constraints, the economic system is bound to be multiform in nature. For Instance, it is generally found that to fulfill social obligations the public sector, no matter whatever be its expanse, becomes unavoidable since the emphasis of private sector is more on profits and not on meeting social obligations. Similarly, the object of egalitarianism in economy can be better served by an incorruptible and efficient cooperative system in which middlemen are eliminated. It is worthwhile remembering that in Scandinavian countries, where vast cooperative systems operate in several fields, least economic disparities have been achieved. This aspect of the cooperative movement cannot be ignored and was stressed by the economist and a protagonist of the cooperative movement,⁴ who has once deputy Chairman of the planning commission. Even with the Presence of an efficient public sector and a cooperative sector meeting social obligations, many of the problems cannot be resolved unless there is also a Coexistence of a private sector and induction, of foreign capital in essential sectors in which large technological gaps exist. Thus under the peculiar conditions of Indian economy, the Indian economic system is bound to be juxtaposition of various moulds and not a single rigid mould. Under such a multidimensional system the process of planning, coordination and consolidation has great relevance. This relevance is all the more increased when there are efforts In India to have mindless globalisation, liberalisation and privatisation affecting particularly the interests of poor.

Structural economic reform has unfolded piece by piece in quick succession First, a two step devaluation of the rupee was announced, it involves a downward revision of more than 20 per cent in its external value Second a trade reform was mooted, it eliminates 7000 licenses and relates export incentives to the trade deficit through tradeable REP licences. Third a tight money policy was put into place to dampen inflationary pressures by raising interest rates. Fourth an industrial policy liberalised the terms and conditions of FERA⁵ for foreign investment and transfer of technology, it allows foreign equity up to 51 per cent allows privatisation of the public sector to the extent of 20 per cent of equity being sold to Mutual Funds and workers, scraps MRTP⁶ limits, and abolishes industrial licensing for all but 18 strategic industries. Fifth, the fiscal policy narrows down the range of customs duties, especially reducing the customs duties on capital goods and reducing the fiscal deficit by 2 percent of GDP. As a result of this policy package a major casualty will be the Right to work. Privatisation will directly lead to retrenchment of jobs in the public sector units at last by 5 per cent, about one million jobs, through work rationalization. Further liberalisation of trade and foreign investment would lead to a substantial reduction in jobs all-round through further encouraging capital intensive technology. Exports create new

⁴Gadgil D.R.

⁵Foreign Exchange Regulation Act

⁶Monopolies Trade Restrictive Practices Act

jobs while imports destroy them. Every Rs 1000 crores of exports or imports are equal to 6 lakes jobs. This means that a trade deficit of R 11,000 crores now destroys 6.6 million jobs in the country. Thus, privatisation and import liberalization could prevent the creation of about 8 millions jobs in the next year. Even as it is the right to work is far from being realised in practice. After 72 years of independence and twelve five year plans, the problem of unemployment remains a grave one, Persons without gainful employment have, in fact, been increasing decade after decade. We believe that unemployment and poverty are two sides of the social misery that they are not inevitable, that they are aggravated by wrong policies and that a lasting solution of this human misery lies in creating a people oriented system of production that ensures and enlists the widest participation of the masses.

It enjoins upon the government not only to recognise the right to work as a fundamental right of every citizen but also to discharge the inalienable responsibility associated with this right of creating jobs and other opportunities of employment for each person by developing economic activities in such a manner than along with the creation of socially desirable goods, the necessary and sufficient conditions for full employment are created. The industrial sector and other non-agricultural sector, which received lion's of developmental resources, generated job opportunities at a much lower rate than growth rate of work for per decade. The growth of industries and the associated five star urban cultures have not only been encouraged but also provided monetary and other incentives to adopt more and more capital intensive technology. To prevent the growing unemployment from attaining a socially explosive dimension the government usually resorts to short-term palliatives of public works programmes. This tactic is not only wasteful and breeds corruption but falls to provide durable and socially satisfying employment. When the government spends 90 per cent of its resources for shrinking the growth of employment and 10 per cent to generate 'direct' but unsustainable employment, then the right to work clearly becomes a casualty and a receding goal.

The right to work is in fact a totalitarian euphemism for the obligation or compulsion to work for one's livelihood. It came more a reaction to the feudal order under which the ruler's landholders, the feudal lords, the hereditary batons and the landed aristocracy exploited the poor have-not's and enjoyed the fruits of their hard labour. In other words, there was a class of people who did not work for but lived on property, in comfort and luxury, by making the poor, depressed serfs and slaves to work in the context means an obligation for these propertied classes to work for a living and agree to do without questioning any work that may be demanded by the state. It means that the State had a right to extract socially and economically useful work from every individual. In other word duty of the state to provide work really mean also right to the state to take work from every citizen, and prepared to concede to the state the right of determining the nature of work.

In modern times the right to work has been recognised by many a political philosopher arid social thinker, Fichte (1762-1824), who was perhaps the first to propound the revolutionary principal during the Eighteenth Century, the right to work is one of the

elementary rights of the individual which must be protected by the state. In his opinion, the rights to be protected by the state are a) right to live and b) right to work. Without the latter there can be no duty to recognise the property of other. The State has, therefore, the duty of see

(1) That the necessities of life are produced in a quantity proportionate to the number of citizens,

(2) That everyone can satisfy his needs through work.

The right to work also includes the right to a wage which is adequate for a decent living. Creative citizenship is not possible for a man languishing in want. This right further implies "the right to reasonable hours of work". Without proper leisure, the rich resources of human mind cannot be explored. Every worker must have sufficient leisure to relax his mind and physique, strained by modern factory work. The constitutional recognition of these rights, it is believed by some will transform the 'order' a state in to a 'welfare' state and today or tomorrow, the governing class in every country will be pressed by the weight of circumstances created by industrial civilisation in to enshrine these rights in the fundamental law of the land.

The 'Right to work' has been regarded by Harlod Laski⁷ as the most important of the rights of the individual. Inspired by the Constitution of the Soviet Union, he pleaded that this must be given to each citizen. In his own words- "the citizen has a right to work. . . . to leave him without access to the means of existences is to deprive him of that which makes possible the realization of personality."

Our founding fathers of Indian Constitution spelt out the following theme governing poverty. The social order to be the one, where would be gainful employment to everyone, leading to prosperity, individual liberty and justice, the state to create necessary conditions in respect of Economic and social development in order to build up such an order. Thus, the concept of social justice is enshrined in our Constitution Equality before law,⁸ prohibition of discrimination,⁹ opportunities in public employment,¹⁰ right to life,¹¹ are the fundamentals on which one can build the concept of social justice, similarly, concept of the material resources, power to acquire Property for public purposes, grant of living wages and conditions of work,¹² go to lay the foundations of economic justice.

Thus, the whole scheme of Indian Constitution is built upon the concept of justice; political social and economic. It is on this context, that efforts were made in the past in to introduce several plans and schemes of providing gainful employment to around 40 per cent of rural population the majority of whom were land less labourers. However,

⁷1894-1950

⁸Article 14

⁹Article 15

¹⁰Article 16

¹¹Article 21

¹²Article 43

a benefit of rural employment scheme was subject to several factors, the chief among these being absence of right to work as a fundamental right enforceable in a court of law. Before going into the realm of right to work, let us have a look at the Indian Constitution. The Constitution provides for six freedoms¹³ - one of these being freedom to practice any profession or to carry on any occupation, trade or business but these articles would come in to operation when someone tries to prevent a person in perusing his profession, trade or business if he/she has one.

In the case of *Kesavananda Bharati v. State of Kerala*,¹⁴ the Supreme court held that the fundamental rights occupy a unique place in the lives of civilized societies and have been variously described in their judgments as “transcendental” “inalienable” and “primordial” and are declared to have primacy over the directive principles. But in *Minerva Miles* case, Chief Justice Chandrachud corrected this view by stating that rights under parts III and IV are take two wheels of a chariot one no less important than the other to give absolute primacy over the other is to disturb the harmony of the .Constitution. These two decisions of the Supreme Court are of great Constitutional importance. They raised the hopes of the protagonists of the right to work incorporated in Art 41. They kindled the hopes of the educated unemployed who are suffering from frustration and roused their optimism. But their hopes have become dupes in 1992 as a result of the decision of the Supreme Court in the case of *Delhi Development Horticulture Employees Union Vs Delhi administration*.¹⁵ The employees were the daily wage workers under the Scheme the food for the work approached the Supreme Court, as their service were terminated after the completion of fifth five year plan for which prescribed period only they were appointed. The scheme was meant only to provide daily wage employment and the workers were paid only for actual working days. This scheme came to an end after the completion of the 5th five year plan. Hence the daily wage workers services were terminated. The workers approached the Court and clamed to continue in service or employment under Art 21 and 41 of the Constitution. But the Supreme Court dismissed their writ petitions holding that “this country has so far not found it feasible to corporate the right to livelihood as a fundamental right is because the Country has so far not attuned the capacity to guarantee it, and not because it considers it any the less fundamental life. Advisedly, therefore, it has been placed in the chapter of Directive Principles. Thus even while giving the direction of the State to ensure the right to work, the Constitution makers thought it prudent not to so without qualifying it”. The seventy year’s experience of the Directive principles especially one of the provision of the Constitution broadcasts that the government, whatever be of its political table have not been prepared to make effective provision for securing the right on the pretext that the country has not attained the

¹³Article 19

¹⁴AIR 1973 SC 789

¹⁵AIR 1992 SC 789

financial capacity to guarantee it. It cannot even say as to when it will attain the financial capacity. Even if they approach the courts for the implementation of provision (Art 41), the justifiability of this directive, in the way and the decision of the Supreme Court in a case will be echoed. Even Justice Chandrachud eulogized the efficacy of right to life but the question of implementation of the directive principles especially the right to work incorporated in part IV come, his Lordship said that the state may not be compelled by affirmative action to provide adequate means of livelihood and work as assured by the Constitutional provision of course have no grievance against his judgment of the Supreme Court in Delhi Development Horticulture Employees case.¹⁶ With a fond hope that they can get some relief, the significantly a small number of these sufferers approach the High Courts and the Supreme Court, on being advised by advocates who gaining much hope and support from the lofty, Directive Principles State Policy and inspiring ideals contained in the illustrations preamble but became disappointed after hearing the judgments of the High Courts and Supreme Court that these Ideals adumbrated in the preamble and the goals enshrined in the Directive Principle are not enforceable by the Courts, however, great or Supreme, they may be and whatever powers they possess under the Constitution but they are the doctrines and guiding principles reminding the rulers and parliament members about their obligations towards the people of India and it is for them, to make law in implementation of the directive principle. The mother India have been soothing her have-not children, poverty stricken children, unemployed children, half starving children and children, crying for food, raiment, shelter and for employment, showing the moon of the Directive principles and preamble. All those children who are suffering from hunger and unemployment are not prepared to be soothed by the sugar-coated promises. They have become adults. Millions and millions amongst them are educated youths. They are, therefore, demanding to make the Right to work as fundamental right and for that, their demand is for Constitutional amendment. The executive and Legislature should, therefore, wake up from their surlier and take early steps to amend the Constitution by providing the right to work, of Art 41 in the chapter of fundamental rights by transfer from the chapter of directive principles, in the same language and with same limits of economic capacity. The High Courts and the Supreme Court can play their effective may, powerful job. The High court's and especially the Supreme Court can review the economic capacity of the Country visa is the people's needs and requirements, and pass appropriate orders as is being done now in the protection of the fundamental rights of the citizens for which the High Courts and the supreme Court have been receiving the admiration of all sections of the people of India Let the executive and the legislature realise that the need to the day is the Right to work, If you the executive and legislature poor, soon the demand on the pretext of economic in capacity, then beware of the consequences. Time and tide wait for no man. Accept graciously the demand of the non man. Accept graciously the

¹⁶AIR 1992 SC 789

demand of the millions and millions of the educated unemployed in the country. If the flows of the representations of these sections of the people develop into uncontrollable flood, there is the danger of washing away, the democracy of the country so labouringly built-by the founding fathers of Indian Constitution. The people are the makers of' History. The History of humanity has taken number of turns. One of the important terms in the history is the French Revolution with established the Paris commune with the slogans of equality, freedom and fraternity. It is termed as revolution. Because, it fought against the theory of Pre-destiny and the divine right of the king of rule and the theory of taking birth, as Kings or Rich Persons because of their good deeds in previous birth and taking birth as poor because of misdeeds in their previous birth, These Dogmas which were dominating the minds of the people were shattered to pieces by the French revolution. So, also the Russian Revolution of 1917 which dethroned the Kings and Chinese revolution which established the people's democracy. Therefore, it is relevant to have a glance of the freedom struggle of India. The native kings fought against foreign aggressors before the East India Company entered the field. Till to-day the names of Prithviraj, Ranapratap, Shivaji and number of other who fought for freedom against the domination of others are remembered. After the East India Company started Establishment, Its political Power to safeguard its economic Interest, many of Indian native rulers fought against the Britisher's.

The role of the people in our freedom struggle is dominant and decisive under the Leadership of Indian patriotic, sincere, dedicated and devoted leaders. The poverty, starvation, below of living, famines etc. were found due to the British Rule and the People moved to over throw the Britisher's so, that they will have advantage of using all the natural resources of Indians.

Indian constitution is adopted by the people of India to constitute into sovereign, Socialist, Secular, Democratic Republic Justice- Social, Economic and Political, equality of status and of opportunity. There are the reflections of the aspirations of Indian people in the freedom struggle. The aspirations of Indian People are mentioned in the Part-IV of, the Constitution under Directive principle. The Supreme Court held that Equal pay for Equal work¹⁷ assumed the character of Fundamental right. The latest decision of the Supreme Court reported¹⁸ is one of the important decisions. It held comprehensively about the Articles under part-IV of the Constitution and about the social justice and equality.

The Supreme Court held that the Right to Economic equality is a Fundamental right¹⁹ are languishing and to require positive opportunities and facilities as individuals and groups of persons for development of human personality in Indian civilized democratic setup so that every individual would strive constantly to higher level. The effect of unemployment

¹⁷Article 39(d) of the Constitution

¹⁸Air India Statutory Corporation etc. v. United Labour Union and Others etc. [AIR 1997 SC 645]

¹⁹Bharat Ltd. v. Union of India [AIR 1995SC 2834, 1996 (4) JT (SC) 555]

is dangerous feature to Indian society. It may be noted that the education is given by the parents and the student who complete the education feels frustrated and despair and discouraged and also dejected. It is also to be noted that there is no security for the children of employers. The person is constrained to follow unfair methods in acquiring the wealth for safeguarding his children. The youth educated and uneducated, whose service were not utilised for the welfare of the nation are easily attracted towards the negative tendency of regionalism etc, created hatred among the section of people. Therefore, it is in the interest of the nation that the manpower of millions of Indian should be used for the development of India. Every citizen of India should be secured of livelihood, which can be done by providing work. All the resources of India should be channelled to guarantee the work to everyone and all the evils of negative tendencies, such as corruption, nepotism, hatred among Indians in the name of religion, region, caste etc, will be eliminated, There is a tendency of thinking that the guarantee of work may lead people to be eliminated etc. This aspect of the issue has to be tackled by raising the consciousness of the citizen that is having the right over the means of production and resources of India like my other citizens and also duty to work for the nation.

A Prominent Constitutionalist,²⁰ has pointed out near about thirty “outstanding features” of the Constitution. A very innovative feature among them is the provisions of “Directive Principles of State Policy” contend in Part-IV of the constitution .²¹ The provisions of Directive Principles are borrowed from the Irish Constitutions Chapter entitled “Directive Principles of Social policy” the attention of the members of the Assembly. Gandhians and Socialist members were influenced and attracted very much to it, However, at the initial stage the proposed directives were also named as “Directive Principles of Social Policy”-which was later changed to the present title: Directive Principles of State Policy. Chief Justice Chandrachud vehemently defended the right to livelihood in 1986 in Olga Tellis case.²² His Lordship propounded that the right to life provided in Art. 21 include the right to livelihood. His Lordship observes that the swap of the right to life conferred by Art 21 is wide and far reaching. Art 21 says that life cannot be taken away except according to procedure established by Law. That is but one aspect of the right to life.

An equally important face of that right is the right to livelihood, because, no person can live without the means of living, that is the means of livelihood. If the right to livelihood is not treated as part of Constitutional right to life, the easiest way of depriving a person to his right to life would be to deprive him of his means of livelihood to the point of starvation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live. And yet such deprivation would not have to be in accordance with the procedure established by Law, if the right to

²⁰Durga Das Basu

²¹Article 36-51

²²AIR 1986 SC 180

livelihood is not regarded as part of the right to life. That which alone makes it possible to live, leave aside what makes life livable, must be deemed to be an integral component of the right to life. Deprive a person of his right to livelihood and you shall have deprived him of his life. In this context, this Lordship considered the two important rights, namely the citizen's right to an adequate means of livelihood guaranteed under Art. 39(a) and the right to work incorporated in the Directive principles, and held unequivocally that the principles contained in Constitution²³ and 41 must be regarded as equally fundamental in the understanding and interpretation of the meaning and content of fundamental rights. If there is an obligation upon the State to secure to the Citizens an adequate means of livelihood and the right to work, it would be sheer pedantry to exclude the right to livelihood from the content of the right to life. But in the end, his Lordship held that the state may not be compelled by affirmative action, to provide adequate means of livelihood and work as assured by the provisions.²⁴ In this judgement²⁵, his Lordship answered in the affirmative on the question whether the right to life includes right to livelihood. When the right to life²⁶ includes right to livelihood. A person should work to have his livelihood. By work only, a man can earn his livelihood. Thus the work provides means of livelihood, which in the language of Chief Justice Chandrachud, makes a person possible to live. It is in this view that the right to live includes right to livelihood and also right to work. These two rights must be deemed to be integral components of right to life. In the light of his Lordship's unequivocal findings, we expect that the unemployed who are suffering from hand to mouth or from half starvation's can, by affirmative action, compel the state to provide adequate means of livelihood or work. But his Lordship dissuaded them holding that they are not entitled to compel the state because the right to adequate means of livelihood incorporated in Part IV²⁷ and right to work incorporated in Article 41 are non-justifiable and unenforceable fundamental rights.

About the efficacy of the Fundamental rights and Directive Principles his Lordship Chandrachud discussed exhaustively in *Minerva Mills* case²⁸ and held in Para 61 pages 186 that the significance of the perception that parts III and IV together constitute the core of commitment of social revolution and they, therefore, are the conscience of the Constitution. His Lordship observed Granville Austin's observation brings out the true position that part III and IV are like two wheels of a chariot one no less important than the other. If you stop one, the other will lose its efficacy. They are like twin formulae for achieving the social revolution, which is the ideal, which the visionary founders of the Constitution set before themselves. In other words, the Indian Constitution is founded

²³Article 39(a)

²⁴Article 39(a) and 41

²⁵*Olga Tellis Case* [AIR 1986 SC180]

²⁶Article 21

²⁷Article 39(a)

²⁸AIR 1980 SC 1789

on the bedrock of the balance between parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between Fundamental Rights and Directive Principle is an essential feature of the basic structure of the Constitution. "We, therefore, put part III in India constitution conferring those rights on the people. Those rights are not an end in themselves but are the means to an end. The end is specified in part IV. The goals set out in part IV have, therefore, to be achieved without the abrogation of the means provided for by part III. It is in this sense that part III and IV together constitute core of our Indian Constitution and combine to form its conscience.

Anybody can go to court challenging the government of the state or the union for the non-fulfilment of the right and demand its full and immediate implementation, along with such compensation as is appropriate. This will keep the government authorities in a constant state of preparedness, though review and updating of data by district, mandal and village, on the state, employment and unemployment in each locality, together with provision through a shelf of work projects in each block to meet this demand for work or, in the alternate, make adequate social security provisions to maintain the unemployed person and his/her family with the needed food, clothing and housing. The rights have to be justiciable, if it is to be effective and operational.

In nutshell we can say that as the topic itself suggests "Right to work in India: An obligation yet to be fulfilled" is seen to be very correct. Right to work should also be a part of right to life because these rights are complementary to each other. Though we are in the 21st century but due to poverty, illiteracy and ignorance of the people are still not aware of their rights and that's why they face new problems each and every day. Today even our government failed to achieve the goal of right to work, just because of poor implementation of laws and non-use of their machinery appropriately. But the above problems can be eradicated very easily, if we provide the work to the people according to their qualification and technical skills. Secondly the ultimate purpose of all legislation should be to protect the interest of the people and thirdly the outcome of all the laws should be examined regularly, so that the improvement can be done more effectively in the laws relating to right to work.