

LAW AND PROPERTY IN INDIA

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ABSTRACT

"When we think of poverty, we think of a person who does not have enough money or resources to live a good life. Poverty is a circumstance in which a person is deprived of necessities to the point where he or she may not be able to exist for an extended period or may die from hunger". This is an economic viewpoint. However, from a legal standpoint, we can see that poverty is more than just a lack of money and food. When someone is poor, they face a variety of problems, including being deprived of basic human rights, being unaware of their rights, being exploited by other sections of society, lack of education and opportunities, and social. One of the major causes of poverty in India is that it is a densely populated country with a growing population that outpaces its economy. India is no exception to the rule that a country can only have adequate resources and not too much. Rural people in our country still feel that having a larger family means having a higher income, although this is not the reality. The large family eventually leads to lower per capita income values and, as a result, a lower level of living. More individuals chasing the few resources means more people will be able to get their hands on them. Employment possibilities, education, food, and other resources may be available.

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INTRODUCTION

"If we desire respect for the law, we must first make the law respectable."

- Louis D. Brandeis

Poverty is a violation of human dignity because it denies people options and chances. It denotes a fundamental inability to contribute effectively to society. It implies not being able to feed and clothe a family, not having access to a school or clinic, not having property on which to grow food or a job to earn a living, and not being able to obtain credit. Individuals, households, and communities face insecurity, powerlessness, and marginalization. It denotes

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vulnerability to violence, as well as living in marginalized and vulnerable surroundings with limited access to clean water and sanitation. Poverty is unquestionably a violation of human rights. Human rights are the fundamental rights that each person is born with and which are shared by all human beings. One of the root causes of poverty is discrimination, which is addressed by the principles of equality and non-discrimination. Discrimination can be a source of poverty as well as a barrier to its alleviation. This research tries to link the lack of access to legal texts and 'basic and functional' legal knowledge and the emergence of poverty issues in the social context. Though the link is subtle and unnoticed, the way it plays out and appears to deprive the poor of their prospects of breaking free from poverty is noteworthy. The paragraph will be discussing the relationship between Law and Poverty. And how it has affected the lives of poor people. How lack of legal awareness of the poor leads them to exploitation? But just discussing the problem is not sufficient we will also discuss How the legal empowerment of the poor can be done? What are the measures undertaken by the Indian government to curb poverty and issues related to that?

HISTORICAL BACKGROUND OF POVERTY IN INDIA

India had a large number of impoverished people throughout the colonial period, but only a few were hungry, implying that people had adequate resources to meet their basic wants and requirements, and poverty became a one-dimensional phenomenon, i.e., only about hunger and food. However, as we all know, poverty is a multifaceted phenomenon, and food cannot be the primary issue for India to be labelled as impoverished. The British then implemented strict tax collection policies that were extremely detrimental to the poor, such as those who were unable to pay their taxes due to a variety of factors such as famine; their lands were either captured or they were forced to work as slaves for British officers until the taxes were paid, creating a vicious cycle. Zamindari laws were also adopted, exacerbating the situation. As a result, the poor became poorer and the middle class became poorer. Poverty, on the other hand, was neither inevitable nor natural; it was a direct result of British control, particularly the land revenue policy. Furthermore, law and order were never in the favour of the poor.

CONSTITUTION OF INDIA FOR POOR PEOPLE

Though the term "poor" is not stated in the Indian Constitution, the Preamble, Fundamental Rights, and State Policy Directive Principles all support the welfare state model.

- "Article 21: Protection of life and personal liberty:" No one's life or personal liberty may be taken away unless following legal procedures. Here, life means more than just surviving; it also involves living with dignity. Also, the right to life is a human right, and no state can deprive its residents of this right unless a legal procedure is followed.
- "Article 39A [5]- Equal justice and free legal aid:" The State shall ensure that the legal system operates in a manner that promotes justice on an equal footing, and shall, in particular, provide free legal aid, through appropriate legislation or schemes or in any other manner, to ensure that no citizen's right to justice is denied due to economic or other disabilities. Every party to the lawsuit has legal access to the courtroom to submit their case, but the proceedings are subject to court fees and the assistance of a professional lawyer. Because the poor cannot afford the high fees, an amendment to Article 39 of the COI was made, stating that the legal system should provide free legal aid to those who require it, ensuring that they have an equal number of opportunities to present themselves in court and that justice is not denied to any citizen due to economic adversity.
- "Articles 15 and 16" of the Constitution of India give the state the authority to establish specific provisions for backward castes and sectors of society. They include measures for socially, educationally, and economically disadvantaged people to be given priority in state-owned organisations and government jobs.

CRIME AND THE POOR

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The link connecting poverty and crime may be traced back to Aristotle's statement that the "poor is the parent of crime." This sentence succinctly expresses how the two ideas are inextricably intertwined. There are two techniques to investigate the link:

- **The poor are more inclined to commit crimes-** Poor children rarely have access to a good education, and as a result, adults from the same socioeconomic group are unable to find stable and proper employment. Even if children attend school from an early age, circumstances force them to drop out and labour for their family's survival, causing them to remain in the same socioeconomic class as their parents. Poverty has deprived many people of many things that others take for granted. This becomes one of the reasons why the poor engage in criminal activities to obtain the possibilities and materials which they have been denied for a long time. As a result, they resort to illegal ways to satisfy their needs, leading to crimes such as burglary, theft, robbery,

assault, rape, and attempted rape, among others. **The poor are the victim of crimes-** The poor are more likely to be victims of crimes than those who are financially secure. They become victims of crimes as a result of other people's greed; they are utilised as a tool. For example, if a drug dealer wants to provide the substance, he or s

- he may require someone willing to risk facing legal action if found, therefore he may give a particular amount of money to a poor person in exchange for the poor person agreeing to commit the crime. When they are apprehended, they do not have the financial means to hire a lawyer to represent them in court, and hence must face conviction.

THE INTERVENTION OF LAW IN ALLEVIATING POVERTY

A. Legislations:

For decades, laws have been crafted with the poor in mind; indeed, the 15th Law Commission's agenda specifically stated that its terms of reference were Law and Poverty, which included: first, examining the laws that affect the poor and conducting a post-audit for socioeconomic legislation, and second, taking all necessary steps to harness law and the legal process in the service of the poor. The Legal Services Authorities Act, 1987, is the most well-known pro-poor legislation, as it gives statutory force to the principles of Art. 39A of the Indian Constitution which strives to provide free and comprehensive legal services to the poor. Furthermore, practically all laws governing any subject, including labour laws, civil laws, and criminal laws, are required to include provisions dealing with indigent situations.

B. Developmental Programmes:

Various developmental programmes were initiated to alleviate poverty like National Food for Work Programme, launched on Nov 14, 2004, for 150 most backward districts to intensify the creation of supplementary wage employment. The programme was for all rural poor who wanted to do manual unskilled work in return for wages. Then we have Sampoorna Grameen Rozgar Yojana, launched in 2001, to provide extra wage employment for all rural populations and food security to improve the nutritional level. Likewise, we have many other government schemes which helped and also helped the rural population overcome poverty and live a dignified life.

LEGAL EMPOWERMENT OF POOR

USAID: “Legal empowerment of the poor refers to actions and processes, including but not limited to legal reforms, by which the poor are legally enabled to act more effectively to improve their economic situation and livelihoods, allowing them to alleviate or escape poverty.”

Right Enhancement- Legal reform can result in the creation of new legal rights for the impoverished. A reform may aim to introduce rights advantageous to the poor when none previously existed or to clarify rights that are vague or poorly expressed. Legal reforms that aid the poor by safeguarding economic and social rights include progressive taxation systems, formal recognition of common law marriage, and intellectual property laws that protect indigenous knowledge. Legislation that isn't primarily focused on legal empowerment can also empower the poor. A statute may, for example, establish a right to information. It has the potential to establish a right to vote. It could provide a right to hold government officials, companies, and labour unions accountable for their acts. Legal reform may be able to remove prohibitions that hurt the poor. A law can remove a person's dependent position. It has the power to remove economic barriers to the poor, such as quality control requirements that are written in such a way that only large, established enterprises can hope to meet them. In a society where the poor keep their land through informal or customary arrangements that are rarely reduced to writing, it might offer verification of land rights through oral evidence.

Right Awareness- The awareness of one's rights is the cornerstone of legal empowerment. The impoverished must be aware of their rights as well as the surroundings in which they exist and function. Knowing that you have a right isn't enough to start the legal empowerment process. Rather, rights awareness necessitates a thorough understanding of the right as well as a practical understanding of how to express, safeguard, and eventually implement it. Rights knowledge must be action-oriented as a precursor to and vital component of legal empowerment. The goals of legal literacy campaigns are similar to those of rights awareness initiatives: to teach people about their legal rights and how to exercise them. These campaigns are usually planned and carried out in conjunction with individual projects or as part of larger programmes. Identifying the intended audience is the first step in determining the most effective strategy for creating and increasing legal rights awareness. The content will be shaped by the size, composition, and characteristics of the audience, which will eventually reduce the options for efficient message delivery techniques. If a targeted

impoverished audience lives and works in a community with no television or radio and a high rate of illiteracy, campaigns might rely only on personal contact or utilise posters with visuals to illustrate the message.

Right Enablement/ Enforcement- The procedures and techniques that can aid the poor in using the law and legal tools to expand their possibilities are known as rights enablement processes. Legal reforms and legal aid services, for example, can make it easier for the impoverished to claim and defend their rights. The purposes of enablement in the context of legal empowerment, on the other hand, go beyond assuring the poor's ability to exercise a legal right; the procedures of enablement are the methods by which the poor can access the legal, economic, and social benefits that come with that right. As a result, the essential process of legal empowerment is enablement.

CONCLUSION

From the paper, we can conclude that there is a huge linkage between law and poverty. Poverty leads to a lack of education, which leads to a lack of knowledge, to be particular, a lack of legal knowledge. When people are unaware of their basic legal rights, and if they are aware also, they cannot access those. Indian legal system plays an important role here. Our Constitution has many provisions which help the impoverished to be equally treated and to access free legal aid, but the main problem lies behind that is creating awareness. Awareness of one's rights is the cornerstone of legal empowerment. Government should also focus on imparting education like lack of education is the main reason why the poor are more inclined to commit crimes or to be the victim of crimes.

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