



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA

SEMESTER-IV

B.A./B.B.A. LL.B. (Hons.)

COURSE TITLE: LAW, POVERTY AND DEVELOPMENT

PAPER CODE: LB 404

CREDITS-04

A-COURSE-CONTENT

Module-1 Conceptualising Poverty

- 1.1 The concept of poverty units: Economical, Cultural, Situational; Distinction between "natural" and "social" poverty - Absolute and relative poverty – Poverty and its relation with Social and religious constructs.
- 1.2 Conceptualisation of Impoverishment: Poverty line (Alagh Committee, Lakdawala Committee, Tendulkar Committee, Rangarajan Committee,)- Nutritional norm (Debate between Dandekar and Sukhatme); Income" and "consumption" criteria; The PQIL (the Quality of Life) indices; Heterogeneity of the poor and poverty line conceptions; Problems of data and India-wide generalization; The debate on "Crossing of the Poverty Line"; Constitutionality of criteria of poverty line as a basis of state action.
- 1.3 The "Determinants" of Impoverishment: Population growth as determinant; Legal system as a determinant.
- 1.4 Planning as a determinant of poverty: The Nehru Phase (1950-1964), Green Revolution and basic needs strategies (1964-1977), the anti-poverty Programme strategy (1977-1988); Poverty of Planning and Anti-poverty Programmes - SFDA MFAL, DPAP, IRDP, NREP, RLEGP "Food For Work", - Identification of beneficiaries, Arbitrariness and application of "Poverty line" measures, Administrative structure weaknesses; Bank financing of IRDP - Bank loans for poor and landless. MGNREGA, and DBT - Jan Dhan Yojana, Aadhaar, Mobile, (JAM) trinity.
- 1.5 Constitutional Aspects of the Anti-poverty Programmes: Non-legislative character, Right to access to information, Problem of legal accountability, Judicial remedies for maladministration, Constitutionality of measures such as identification of beneficiaries and bank financing, Federal autonomy questions in centrally sponsored anti-poverty programmes.

Module-2

Law and Disadvantaged

- 2.1 The Bonded Labour Abolition – Conceptualization, Administrative processes under the Act of 1976, Awareness of the act and legal services, *Bandhua Mukti Morcha*: Problems of judicial effectiveness
- 2.2 The Scheduled Caste and the Law: The Protection of Civil Rights Act: Problems of definition, pitfalls in implementation; The Problems of scavengers and sweepers; Atrocities against Scheduled Casters and the legal process.
- 2.3 The Scheduled Tribes and the Legal Order: Deforestation and tribals, Public project, especially dams, and displacement.
- 2.4 Unorganized Rural Labour and the legal response: Conceptualisation of 'labour' and Social security legislation, Minimum wages, Migrant and contract labour, Child labour.
- 2.5 Marginalized Communities- Beggars and the law, Ex-Criminal tribes, Vagrants, Aged, Juveniles.

Module-3

Law Poverty and Gender Justice

- 3.1 Women, Poverty and the Law: impoverished women and gender discrimination, Wage discrimination by public financial institutions,
- 3.2 Atrocities against women Rape, sexual assault including custodial rape.
- 3.3 Institutionalised abuse: Domestic violence and Sexual Harassment at workplace
- 3.4 Trafficking in women: *Devadasi* system, Sati, Dowry,
- 3.5 Rights of Transgender /LGBT: Changing Discourse

Module-4

Criminal Law and Poor

- 4.1 Anti-poor biases of the criminal justice system
- 4.2 Bail jurisprudence, problems of under-trials, sentence in default for non-payment of fine,
- 4.3 Compensation to victims of crime- Constitutional Development and CrPC
- 4.4 Poor and right to die: Discourse on Suicide and euthanasia
- 4.5 Legal services of the Poor: Concept of legal aid, Growth of legal aid movement in India, Krishna Iyer report, Bhagwati report; The Legal Services and Lok Adalat Act, 1986

Prescribed Readings-

- 1. U. Baxi (ed.), *Law and Poverty* (1988) Tripathi, Mumbai
- 2. D.R. Saxena, *Tribals and the Law* (1997), Deep and Deep, New Delhi.
- 3. A.W. Murphy, et.al., *Law and Poverty* (1973), Tripathi, Mumbai.
- 4. J.S. Gandhi, *Law and Social Change* (1989) Rawat, Jaipur.
- 5. Leelakrishnan.P, et.al.(eds.), *Tribal Welfare: Law and Practice* (1985), Cochin University Department of Law.