

# RIGHT TO ADEQUATE STANDARD OF LIVING: A COMPARATIVE STUDY IN INDIA

Assistant professor **Prabhpreet SINGH**<sup>1</sup>

## **Abstract**

*Adequate standard of living promises the meaningful existence to human life. The life has essence when there is adequate clothing, food and nutrition, housing and the necessary conditions of care when required. Right to live the life with dignity includes in its ambit right to adequate standard of living. People should have access to basic needs for their living. World bank defines adequate standard of living inclusive of two elements: 'The cost required to buy a minimum standard of nutrition and other basic necessities and a further amount that varies from country to country, reflecting the cost of participating in the everyday life of society.' During last decade various international instruments have been pressing hard to right to adequate standard of living (Article 25, UDHR and SDG 11). It becomes noteworthy to see the manner in which these rights are provided in constitutions of different countries. Even when these rights find the place in the constitution it is not mandatory on the states to provide them in their respective jurisdiction. This is one such case which can be seen reflected in the constitution of India. Article 43 imposes a duty on the state to provide adequate standard of living but such a duty is not enforceable in court of law. Such rights find place only in directive principle of state policy which are not enforceable in court of law. Hence the right depends on the wishes and economic capacities of the state. Also it becomes relevant to address the manner in which judiciary protects such constitutional guarantees. As, we can see that many of these rights become a far-fetched dream for the citizens, the author strongly believe that understanding such issues from the comparative perspective would provide several benefits, including sensitising the stakeholders. Therefore, the authors would elaborate a comparative study with the perspective of India.*

**Keywords:** liberty, equality, standard of living, dignity, human right.

**JEL Classification:** K25, K38

## **1. Introduction**

Life is precious! But at the end all of it depends on the definition of “Life” itself and the aspects it covers under its domain.

Today, when humans are governed by set of rules and codified legislations, and on different forms of governing standards running through different ideologies among the ones who govern us and the ones to be governed. The fundamental reason behind the structuring and building of any autorotating power (tangible or intangible) is for the protection of the **basic human rights of all**. This is the fundamental foundation of the Social Contract theory i.e., the state governing the people will protect their rights.

## **2. Social contract theory and political philosophy**

Societies are built after struggles of different domains of inequality and other evils which the once suffered from. Lastly, all the people must live with moral and political rules of behaviour established by the social agreement between the people and the ones governing them. And it must be rather a free choice not the one influenced by factors.

Since when we realised the need to be free and realisation of our rights in the society, many philosophers including Stuart Rachels and Socrates suggested the ideas of set of rational rules governing people on one condition i.e., when they are widely accepted.

The said social contract be implicit or explicit is not a matter of concern in the said context. The more important factor here is the rationality of terms of the contract and wide acceptance by the public. In the United States of America this social contract is explicitly mentioned.

The terms of social contract find their place in the constitution of different countries. Nevertheless, a mention or if there is no constitution, the spirit if natural justice prevails and provide a valuable framework of harmony in the societies of the world.

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<sup>1</sup> Prabhpreet Singh - School of Law, Manipal University Jaipur, India, prabhpreet.singh@jaipur.manipal.edu.

The terms 'social contract' and 'social welfare' are not static, they undergo changes as the society does. Through centuries many terms such as privacy, liberty, equality (general and specific aspects), standard of living, health and education have made their place among the most demanded values of all and in the present day they are inherent enforceable rights in most of the countries. These new terminologies are added to keep pace with the changing society, nevertheless Law can never be static, rather must be molded to be applied to changing times.

### **3. Human rights: a fundamental viewpoint**

'Right' can be termed as an entitlement. When a subject is entitled to some obligations to be formed upon as deeds and the ought to do's and don'ts. Rights are prone to the designation of specific persons and to the given period. The question is also of enforceability but, to confer rights unto a person is a subject of prudence without discrimination.

In the context of society, the reasonable needs of people is the source of their rights. And this need changes as the civilizations evolve in their ways of development.

Human rights is a generalized concept with emphasis of the inherent and natural character of human being himself. In the world with no two equal lines, discrimination is the nature. Human rights suffer this pandemic of discrimination every now and then and keep evolving parallelly. This challenge is answered by the International Human Rights Laws which lays down the obligations of the governments to formulate their stance in different situations concerning human rights especially when it comes to freedom.

The torch-bearer being the United Nations, came up with classified and internationally accepted human rights(civil, political, cultural and social) with the comprehensive mechanisms to protect and promote the said rights in the forms of protocols and charters which every nation is free to subscribe. The International Court of Justice i.e., the principal judicial organ of the UN, performs its functions in accordance with the Statutes of the International Court of Justice to make these rights meaningfully interpreted among the nations.

The United Nations have the imbibed authority to take actions on issues covering wide prospects in the international domain due to the powers vested by the Charter signed in 26<sup>th</sup> June, 1945. Since then, it has expanded the scope of law concerning human rights in the spheres of adequate standard of living, protection of women, protection of persecuted sects of society and so on.

#### **3.1. Right to adequate standard of living**

Standard of living can be realised only after Equality and Liberty. In the ancient times, there was no subject of standard for the common people except for the King. It's the revolutions that shaped the society firstly for Liberty and Equality, then the race for the standards of living.

In a democracy or any form of administration governing a population, it is impossible either to provide to all the people the same standards of living or to limit their standard of living within certain boundaries. Let alone the objective reference to the living standards, the rights surrounding this right itself like the right to reside anywhere in the country should be protected the way they are. This is the reason to add the word 'adequate' before the 'standard of living'.

Some factors associated with the right to adequate standard of living are class disparity, quality and affordability of housing, poverty rate, gross domestic product (GDP), affordable access to quality education and healthcare, hours of work required to purchase necessities and so on. These factors determine the standard of life led by the population in a country. Among all the factors poverty and literacy are two principal factors in the subject.

According to the World Bank, there are two elements to measure the standard of living in a said nation, i.e., firstly the expenditure necessary to buy a minimum standard of nutrition and other basic necessities and further the government subsidies provided to the common man.

### 3.2. Right to adequate standard of living: Indian perspective

India, being a welfare state, it is among its primary duty to provide to its citizens the adequate standard of living. There had been instances of absurd hunger and poverty in the history before the Green Revolution and during natural calamities. Through experiences and strong principles of the Constitution, India has made significant progress but there is a long journey yet to be covered.

#### 3.2.1. Constitution of India

In the Preamble itself it is mentioned that the goal is to make a Sovereign, Secular, Socialist, Democratic and Republic country. The citizens are entitled to Social, Economic and Political Justice with the Liberty of Thoughts, Expression, Faith and Belief and Equality of Status and of Opportunity. Lastly the purpose of these entitlements is to Fraternity by assuring Dignity of the individuals to achieve Unity and Integrity of the nation.

So, the promise made to the people in this social contract impliedly constitutes the right to adequate standard of living when it mentions Equality and Liberty at the first place. Except for the preamble the fundamental rights empowers the citizens with:

- article 21 protects the life and personal liberty except according to procedure established by law.
- article 14 talks about the right of every citizen to be treated equally before the law and the laws must be protected in the same sense in the country.
- article 15 (1) protects every citizen against any discrimination on grounds of sex, religion, race, caste or place of birth.
- article 19(1)(d) provides to every citizen the right to move freely throughout the territory of India.
- article 19(1)(e) confers the right to every citizen to reside and settle in any part of the territory of India.
- article 19(1)(g) protects the right of every citizen to practice any profession, or to carry on any occupation, trade or business.

Apart from the Fundamental Rights, the rights to adequate standard of living find its mention in the Directive Principles Of State Policies in the form of:

- article 39 (1) which mentions that all the State policies are to be directed to secure the rights of men and women equal and adequate right of means of livelihood.
- article 42 mentions the obligation of the State to secure to all its citizens humane conditions for work and states maternity leave.

Article 47 imposes a duty on the State to improve public health by raising the level of nutrition and standard of living.

### 4. Relevant national law

**1. The right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013:**

Land is the primary need when it comes to living and residing and to reside is a primary need for standard of living. The said act regulates the rates and provides just compensation with adequate rehabilitation and resettlement of affected families protecting their right to rehabilitate.

Also, this act protects the rights of the affected families after they acquire the land by making them partners in the development functions thereafter.

**2. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act.**

It has been a long history between the oppressed classes and the industrialists. The Adivasis and the Scheduled classes are bethronged and made fled from their habitation for expanding the industries. Here comes the question of reasonableness, how prudent is it to move a living being out

of their natural habitats at the cost of industrialization?

The said act protects the oppressed class and protects their rights of livelihood and food security. It protects the ones forcefully displaced from their houses and are given appropriate rehabilitation to protect their right of adequate standard of living under section 3(1), 4(4) and 4(8).

#### 4.1. Application of law

The dictum laid down by Lord Chief Justice Hewart, "Justice must not only be done, but must also seem to be done". Now let's look at the application to these laws and legislations so as to analyze the effectiveness of the law and protection of rights to adequate standard of living at the ground level.

The said acts are applicable to the government lands or the land which are to be acquired by the government in the future instances. As of section 2, land which are used for the public usage like for housing low-income households, building public park, building government hospitals or schools, sanctions to landless farmers, etc. except for this the private property of individuals is exempted.

*Impact of the Act on the Society.* The principle object of the act is for the protection of right to adequate standard of living for the affected families, the landless farmers, and the ones who are in a way affected due to unavailability of minimum land for their meaningful existence. Moving forward to the section 4 which mentions for the activities of public good including the securing to the affected families clean drinking water, healthcare facilities, electric supply, even place of worship. Evidently it has done good to the society in terms of providing adequate standard of living.

*Dimensions of Social Welfare.* As stated above in the social contract theory, state is accountable for its citizens and also to other people residing in the state at the given period of time. The realization of Right to Adequate Standard of Living is in itself two-fold. It demands acceptance from the people and also protection from the ones governing the people. People play their part by demanding the reasonable objects (tangible) and realized rights (intangible) and State in return accepts what is reasonable and fulfils in accordance and under limitations that it must never breach the Equality and Liberty in broad sense.

*Equality and Protective Discrimination.* Including India many nations have imbibed the principles of equality in their Constitutions and the basic Legislative theory. The said nations must always assure that their laws must not discriminate any social segment and social structure prevailing and present in their nation. In the said right of adequate standards, if there is a situation of inequality of income for instance, there might be a probability that the State had to discriminate in the distribution of income in the high-class society and invest it to the lower-middle and poor classes.

So, when there is a condition in which the government has to discriminate to provide equality, it is termed as protective discrimination and it must prevail outstanding the principle of equality at different stances of interpretations and expressions. To provide equal standards, the cost States have to pay is protective discrimination and it must be paid affluently even though the results are not promised.

*Compensation.* In terms of property damaged, the psychological impact after the land being taken by forceful means and the miscellaneous things attributed to the said act. Section 28 of the act provides for the reasonable compensation. All the value of property must be evaluated at the market rate and to be given to the affected party in the presence of a certain official and other grounds are to be taken care of for ensuring equality and justice.

*Resettlement and Rehabilitation.* In the event if it is not possible to regain the said land or when it is acquired by the government for the public functions, the ones affected must be rehabilitated to a land of same value in an appropriate space equal to the government rates as were of the acquired land. Under section 31, the procedural aspect of the said transaction are dealt with.

*Schedules in the Act.* The Act also contains three schedules dealing with compensation for land owners, rehabilitation and resettlement entitlements, and infrastructural amenities. The first schedule contains provisions on the 'minimum compensation package' to be allotted to the affected persons. The second schedule provides elements of rehabilitation and resettlement entitlements for both land owners and families whose livelihood is primarily dependent on the land acquired. For

example, if a house is lost in rural areas, a constructed house must be provided as per the Indira Awas Yojana rules. The third schedule contains provisions on infrastructural facilities and basic minimum amenities to be provided at the resettlement sites. This is necessary to secure a reasonable standard of community life for the affected families. Some of the provisions include proper roads, drainage as well as sanitation facilities, provision of drinking water, panchayat ghars, post offices, playgrounds for children, primary health care centres, places of worship and appropriate security arrangements.

## **5. Judicial interpretation of right to adequate standard of living**

### **5.1. Right to adequate standard of living: Indian perspective**

The Supreme Court which mainly deals with the constitutionality of the provisions or variables involved in any way in any said cases or issues involved. In several judgements the Supreme Court has held that the human right to adequate housing is a fundamental right emanating from the right to life protected by Article 21 of the Constitution which states that no person shall be deprived of his life or personal liberty except according to procedure established by law. There have been several important court judgments that have clearly established the relation between the right to housing and the right to life, as guaranteed by Article 21.

In the case *U.P. Awas Evam Vikas Parishad vs. Friends Coop. Housing*, it was affirmed by the SC that the right to shelter is a fundamental right, which springs from the right to residence under Article 19 (1) (e) and the right to life under Article 21.

In 1980s, the case of *Chameli Singh and Others vs. State of Uttar Pradesh (1996)*, the Supreme Court provided a holistic understanding of the right to shelter and adequate housing. It declared: Shelter for a human being, therefore, is not a mere protection of his life and limb. It is home where he has opportunities to grow physically, intellectually and spiritually. In this case more emphasis was laid on right on livelihood and shelter and right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one's head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right.

In 1990, in the *Ahmedabad Municipal Corporation vs. Nawab Khan Gulab Khan and Others* case, the Supreme Court directed the state to construct affordable houses for the poor: The State has the constitutional duty to provide shelter to make the right to life meaningful. Also, in 1990, the Supreme Court recognised the right of children to adequate housing.

The Supreme Court has also upheld the right to property. In the case of *Tukaram Kana Joshi and Others vs. MIDC and Others*, the Court noted that: The right to property is now considered to be, not only a constitutional or a statutory right, but also a human right. It is a fact that Right to Property is not a Fundamental Right, rather a legal right under article 300A.

### **5.2. Right to adequate standard of living: Columbian perspective**

Right to adequate standard of living is ensured in Article 53 and Article 366 of the Constitution of Columbia.

Article 53: It puts a duty on the state to ensure minimum standard of wages which helps in living a dignified life for the workers. Further, it puts an obligation that no law, contract or agreement can be made which infringes freedom, human dignity or right of workers.

Article 366: The improvement of quality of life and general well-being of the population shall be priority of the state in allocation of resources.

In *Perez Calderon v. Ministry of Health*<sup>2</sup>, the Columbia Constitutional Court held failure of the state to provide meningitis vaccination which could result in serious health consequences or death is infringement of Article 44, 53 and 366 of constitution of Columbia. It is prerogative of the state to provide adequate standard of living to its citizens. The court directed the authorities to provide vaccination within next 48 hours of the case cited.

418 families filed a petition against Ministry of Health for allocation of free vaccines against bacterial meningitis. The case relates to providing health services to group of children residing in area of Bogotá. It was argued that protection of children and adequate standard of living is guaranteed under Article 44, 53 and 366 of the Colombian Constitution. The case in hand deals with a tutela action, a procedure which ensures immediate application of fundamental right by lower courts.

### **5.3. Right to adequate standard of living: at Inter American level**

The object of American Convention of Human Rights ensures protection of civil and political rights. According to Article 26 of the American Convention of Human Rights it is the duty of the states to ensure right to adequate standard of living. The commitment of the state is embedded in the fact which guarantee social, economic, scientific and educational rights given in the charter. The highest level of emotional, physical and intellectual development can only be achieved by ensuring adequate nutrition.

In case of *Jorge Odir Miranda Cortez v. El Salvador*,<sup>3</sup> the court held it is the duty of the state to provide minimum standard of living. Minimum standard of living includes in its ambit right to health and right to basic medical facilities.

In the present case Petitioner, Jorge Odir Miranda Cortez, contended against the state of El Salvador on behalf of himself and 26 other victims who were suffering from HIV alleging that it is the failure of state to provide antiretroviral (ARV) drug used to cure HIV/AIDS. He further stated, in accordance to Article 26 of American Convention of Human rights<sup>4</sup> the principle of progressive realization mandates the state to provide availability of resources irrespective of their level of development. Non availability of the drug also violates Article 4<sup>5</sup> and Article 5<sup>6</sup> which lays emphasis on right to life and humane treatment.

### **5.4. Right to adequate standard of living: Russian perspective**

There is no specific mention of right to adequate standard of living in the Constitution of the Russian Federation. The right has been ensured by Russia becoming signatory to International Covenant on Social and Cultural Rights in 1973.

Article 15.4: "The universally-recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied."

Article 17.1: "In the Russian Federation recognition and guarantees shall be provided for the rights and freedoms of man and citizen according to the universally recognized principles and norms of international law and according to the present Constitution."

Article 55: "1. The listing in the Constitution of the Russian Federation of the fundamental

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<sup>2</sup> In *Perez Calderon v. Ministry of Health* SU-225/1998.

<sup>3</sup> *Jorge Odir Miranda Cortez v. El Salvador* Inter-Am. C.H.R., OEA/Ser./L/V/II.111, doc. 20 rev., Ch. III, para. 30 (2000).

<sup>4</sup> Article 26. PROGRESSIVE DEVELOPMENT. "The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires."

<sup>5</sup> Article 4. RIGHT TO LIFE. 1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

<sup>6</sup> Article 5. RIGHT TO HUMANE TREATMENT. 1. Every person has the right to have his physical, mental, and moral integrity respected.

rights and freedoms shall not be interpreted as a rejection or derogation of other universally recognized human rights and freedoms. 2. In the Russian Federation no laws shall be adopted cancelling or derogating human rights and freedoms.”

Article 7: “1. The Russian Federation is a social State whose policy is aimed at creating conditions for a worthy life and a free development of man. 2. In the Russian Federation the labour and health of people shall be protected, a guaranteed minimum wages and salaries shall be established, state support ensured to the family, maternity, paternity and childhood, to disabled persons and the elderly, the system of social services developed, state pensions, allowances and other social security guarantees shall be established.”

### **5.5. Right to adequate standard of living: European perspective**

The Council of Europe was formed in 1949 which included 47 member nations. The member states are mandated to provide social, political and economic rights which includes right to housing, food, nutrition and minimum wages. The instrument of European Convention on Human Rights and Fundamental Freedoms and European Social Charter ensures protection to right to adequate standard of living in Europe. This section discusses in length provisions relating European Social Charter and cases laws dealing with right to adequate standard of living in member states of Council of Europe.

Article 1 (1) of European Social Charter puts primary responsibility of member nations to provide to provide a stable level of employment.

Article 2: It ensures right to just condition of work which includes right to pay on public holidays and provides for reduced working hours for workers employed in dangerous occupations as prescribed.

Article 4(1) European Social Charter, mandates the member nations to ensure fair remuneration to workers which helps them to provide decent standard of living for them and their families.

The German Constitutional Court directed in a case<sup>7</sup> relating to right of the asylum seekers that legislature should draft a law to ensure dignified life to asylum seekers by giving them cash benefits. The Court provided transitional arrangement for payment of cash benefits as an interim relief. The right to adequate standard of living also includes within its scope the asylum seekers. The Court held that Asylum Seeker Benefit Act violates Article 1 (1)<sup>8</sup> and Article 20 (1)<sup>9</sup> of Basic Law.

The facts of the case dealt whether the present legislation of cash benefits for asylum seekers is in consonance with the fundamental right to a minimum level of existence as flowing from the right to human dignity (Article 1 (1) of the Basic Law) read in together with the principle of a social welfare State (Article 20 (1) of the Basic Law). The current legislation was not compatible with present standard of living in Germany.

In *A v. Municipality of Egedal and Ministry of Labour* case<sup>10</sup> decided by Denmark Supreme Court rules relating to “Start Help” which gave reduced unemployment benefits to refugees were held constitutional and not in violation to Article 1(1) European Convention on Human Rights.<sup>11</sup>

An amendment in Active Social Policy Act in 2002, enabled that those persons who have within last eight years had at least spent seven years in Denmark are eligible for regular unemployment benefits. If a person does not fulfill the criteria shall be eligible for reduced employment benefits in form of start help. The applicant in the present case got refugee status in 2003. Start Help benefits were granted to the applicant till 2007. Start help benefits were considered as discriminatory as they gave reduced unemployment benefit to refugee in comparison to Denmark national.

<sup>7</sup> Judgement of the Federal Constitutional Court, 1 BvL 10/10.

<sup>8</sup> Article 1 (1) of German Basic Law: Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.

<sup>9</sup> Article 20 (1) of German Basic Law: The Federal Republic of Germany is a democratic and social federal state.

<sup>10</sup> *A v. Municipality of Egedal and Ministry of Labour*, Ugeskrift for Retsvæsen 2012, 1761.

<sup>11</sup> Article 1 – Protection of property Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Following an amendment in Active Social Policy Act in December 2011, which came into effect on 1 January 2012, Start Help benefits have been abolished.

### **5.6. Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It was a milestone document where drafters belonged to different cultural and legal background from all parts of the world.

Article 25 ensures right to adequate standard of living which includes right to well-being, health, food, housing, clothing and medical care.<sup>12</sup>

Article 25 also forms the basis for current efforts to address the particular challenges facing millions of older women and men around the world. The first requirement listed in Article 25 as being necessary for “a standard of living adequate for... health and wellbeing” is food. A former UN Special Rapporteur on the Right to Food, Jean Ziegler, observed that “the right to food does not mean handing out free food to everyone.” However, governments are obliged not to prevent access to adequate food by, for example, forced eviction from land, destruction of crops or criminalization of poverty. Governments also have to take adequate steps to ensure in The Gulag Archipelago that private sector activities do not impinge on people’s right to food. And, similarly, private water services cannot compromise equal, affordable and physical access to sufficient, safe and acceptable water supplies. Many experts say the world produces enough food to feed itself. But some 815 million people continue to suffer from chronic hunger because of unequal distribution of wealth and resources: they are too poor to buy food, do not have land to produce their own food or face a variety of other obstacles that could be resolved. Poverty is both a cause and a consequence of violations of human rights, and places many other rights listed in the UDHR out of reach. The World Bank and World Health Organization reported in 2017 that at least half of the world's population (some 3.8 billion people) is too poor to get essential health care services, inconsistent with the right to health spelled out in Article 25. They also said nearly a billion people spend 10 percent or more of their household income on health expenses for themselves, a sick child or another family member. For almost 100 million people, these expenses are high enough to push them into extreme poverty, an unacceptable and unnecessary situation, they said. Extreme poverty is more than just a lack of sufficient income. For the Special Rapporteur on extreme poverty and human rights, extreme poverty involves a lack of income, a lack of access to basic services – health, schooling and living conditions – and social exclusion. By this measure, over 2.2 billion people – 30 per cent of the world’s population – are either near or already living in poverty. The current Special Rapporteur, Philip Alston – tasked with advancing the eradication of such poverty – has pointed out that extreme poverty is not confined to developing countries. Government policies can entrench high levels of poverty and inflict “unnecessary misery” in even the richest countries in the world. “I have spoken with people who depend on food banks and charities for their next meal, who are sleeping on friends’ couches because they are homeless and don’t have a safe place for their children to sleep,” Alston said after a 2018 visit to the UK. He said he also met people “who have sold sex for money or shelter, children who are growing up in poverty unsure of their future.” Where national governments step back from international obligations (such as the United States’ announced withdrawal from the Paris Agreement on climate change), cities increasingly are stepping in to fill gaps.

The global South has led the movement to establish “human rights cities”, and York has followed this lead to become the first human rights city in the UK. In a 2017 declaration, it embraced “a vision of a vibrant, diverse, fair and safe community built on the foundations of universal human rights.” It selected five human rights priorities: the rights to education, housing, health and social care, a decent standard of living, and equality and non-discrimination. York’s first four “Half the

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<sup>12</sup> Article 25 UDHR: 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.



world's population is missing out on essential health services, and 100 million are pushed into poverty each year trying to pay for them. This is a violation of the human right to health." – WHO Director General, Dr Tedros Adhanom Ghebreyesus priorities are among the social rights found in article 25, while the fifth – equality and nondiscrimination – lies at the very heart of the UDHR and of all social rights.

## **6. Conclusion**

The power vested in the constitutions are supreme in nature. This fact is illustrated in the very nature of Constitution making. All the institutions in the state whether it is parliament, executive or judiciary derives their powers and duties in accordance to the constitution. Therefor it becomes the first prerogative of the state to provide protection of adequate standard of living in the Constitution itself. The enjoyment of such rights should not be limited by gender or nationality. Whether a person is citizen or a refugee enjoyment of right to adequate standard of living is birth right of every human.

When it comes to conflict between the domestic law and international treaty, wherein international treaty is giving effect to right to adequate standard of living in that case domestic courts should give effect international treaty. Such rights derive their prerogative from the fact of being human rights. No one can be subject to inhuman existence. States should ensure protection of all rights which makes life dignified including right to water, food, cloth, minimum wages. Even when it comes to protection of digital rights, right to internet also comes under the scope of adequate standard of living.

"A higher standard of living also brings a higher standard of culture and civilization" – Ludvig von Mises.

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