
Setting Socio-Economic Rights in the Context of Human Dignity in India

8 RMLNLJ (2016) 20

by
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I. INTRODUCTION

The relation between human dignity and human rights goes back to the struggle of human society against arbitrary and despotic rule of few. Dignified existence was main thrust in confrontation with ruling class and it is still continuing. Human rights have been considered as potential weapon in the hand of human beings to demand for dignified life. They are claim against arbitrary exercise of power by state. They ensure liberty and freedom. Social and economic rights are integral to holistic conception of human dignity. A decent and dignified life is a mandate of very every civilized society. Dignity warrants immediate address to social and economic needs of an individual. Dignity will be a lip-service in absence of material needs of individual. Individual deprived of subsistence needs will depend upon others for his existence. Delay in implementation of these rights causes denial of human dignity and consequently blatant violation of human rights. It also leads to denial of decent human life which every human being is constitutionally and legally entitled.

"Dignity of human beings is the source from which the validity and universal authority of human rights is derived, and at the same time dignity functions as a critical yardstick to answer the question of which historically conditioned claims shall be recognized as human rights"¹. Values constituting of human rights must be non-negotiable. The hard core of human rights cannot be balanced even against the interest of political community. Large political interest cannot undermine physical and mental integrity of human



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beings. The research paper attempts to understand the relationship between human rights and human dignity. Further, it contextualizes the discourse of socio-economic rights with human dignity. Then, it analyses judicial pronouncements of the Supreme Court for highlighting the value of 'dignity' for growth of the socio-economic rights. The research concludes on the premise that the idea of 'human dignity' has given much desirable support to the landscape of socio-economic rights in India.

II. HUMAN RIGHTS AND HUMAN DIGNITY: UNDERSTANDING OF RELATIONSHIP

Human rights are, in essence, about human dignity, and the human rights struggle is the struggle for recognition of and respect for this dignity. Human rights claim unconditioned respect due to inherent dignity into it². Human rights may not be directly deduced from human dignity as it is difficult to give substantive form to it. Human rights are not germinated from human dignity but it signifies that it is not stemmed up from state or any other authority. Human dignity lacks clarity in its scope and content, hence its relationship with human rights is viewed with suspect. It lacks clarity in two spheres. The first is lack of agreement about what makes human life good, both for individuals and for societies. The second is the various aspects of way in which it operates. Human dignity may refer to characteristics or norms; it may relate to individuals, social groups, or the entire species; and it may be based on subjective or objective assessments of what amounts to a dignified way of life³. Due to lack of

clarity, human dignity was not entrenched as distinct right in legal documents. Respect for dignity implies respect for the autonomy of each person, and the right of everyone not to be devalued as a human being or treated in a degrading or humiliating manner. The reluctance of acknowledging dignity as a distinct right may be due to the breadth of its meaning and the difficulty of defining its limits⁴.

Dignity is fountainhead of equal rights for all. Human dignity is related to the core values of human being. Human rights are triumphs to achieve those values. But it fails to get documented until 20th Century⁵. The early documents of human rights of 17th and 18th century did not incorporate


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human dignity as a legal concept. Dignity in a Constitution is a formal norm to legalize human rights claim. Human dignity finds its place in the constitutional text of many countries and human rights instruments. Human dignity may not be introduced as a legal concept but it compulsorily is to be understood as moral guidance for state. Dignity has been internationally thought of not as advancing any particular conception of rights, but as supplying theoretical premise for the human rights movement in the absence of any other basis of consensus⁶.

The text of human rights instrument invariably speaks about human dignity and its relation with human rights. For example, Article 1 of the Universal Declaration of Human Rights begins, "all human beings are born free and equal in dignity and rights"⁷. Likewise, the Covenants on Civil and Political Rights and Social, Economic, and Cultural Rights assert that the "these rights derive from the inherent dignity of the human person"⁸. The Vienna Declaration uses almost the same language: "all human rights derive from the dignity and worth inherent in the human person"⁹.

Human dignity needs to be brought to the centre of human rights debate for generating concern for social and economic rights. Indeed, whereas human dignity is the core and the foundation of human rights, it is through the operationalization of the rights that dignity is protected. Human dignity on the one hand imposes obligations for the state to take action, e.g., to guarantee a human existence for everyone, to protect unborn life or to prevent its artificial creation, on the other hand, it also includes prohibitions to interfere, e.g., the abolition of death penalty, prohibition of cruel and unusual punishment and restrictions on the enforcement of life imprisonment¹⁰.

Post Second World War, a need was felt that the world must be based on the recognition that human being, with attributes of decent existence, is the cornerstone of our culture and our civilization¹¹. All that we cherish must rest on the dignity and inviolability of the person, of his sacred right to live and to develop under God, in whose image he was created¹². Dignity must be recognized though the existence of dignity does not depend on recognition, which at the same time means that there is an obligation to recognize

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dignity. Dignity means 'respect', 'self-respect' or 'self-esteem'. Human dignity is something we know when we "see" it or feel it, but it is difficult to explain logically¹³. Dignity is inherent to each and every person simply because of his or her being human. As such, dignity is a category of being, not just of having. Indeed, human

dignity cannot be limited to something that people 'have'; it must first of all be seen as belonging to their 'being'. Human dignity does not come from status, nationality, ethnicity or human accomplishment. Dignity means respect for all other persons, no matter what their capacities or living conditions are. Dignity also includes possession of everything that constitutes decent life. Decent life has two privileged conditions namely, autonomy and well-being¹⁴. Autonomy and well-being can be ensured by recognition of indivisibility and interdependence of rights.

Autonomy is essential for dignified existence of individual. Autonomy means 'freedom'. Dignity and autonomy is intertwined. Autonomy cannot be achieved without ensuring a respectful life. Dignity combines not only 'worth'¹⁵ but also as a yardstick for a certain quality life. State must ensure procurement as well protection of all that constitutes quality of life. Quality life constitutes of sustainability of material needs, resources for education, arrange for primary health care and opportunities for employment.

III. SOCIO-ECONOMIC RIGHTS AND HUMAN DIGNITY: SETTING THE CONTEXT

The basis of human dignity in defining role of human rights in a civilized society cannot be undermined. There is need to accord importance to it in the view of relegated approach towards social and economic rights. The value of dignity may be determined on the basis of need in a given society. What constitutes a dignified and decent life in a society depends upon the socio-economic conditions of the society. The degree of dignified life may vary for an individual and society. Certain minimum need is necessary for every individual to lead respectable life. Respectable life must be understood objectively. The core of respectable life must be uniform and universal. Shue identifies core as unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal public health care¹⁶. Therefore, the non-negotiated need of human dignity mandates claim of material needs of an individual.



Socio economic rights find their justification in nature of human dignity. The value of human dignity enriches socio-economic jurisprudence by justifying claims for social services when groups lack material conditions necessary for a life of dignity and by focusing on actual needs and circumstances of each individual¹⁷. Interpretations of dignity consistent with the protection of economic and social rights affirm that "people who are denied access to the basic social and economic rights are denied the opportunity to live their lives with semblance of human dignity"¹⁸ and that "a social failure to value human dignity is at stake when individuals and groups experience deprivations of subsistence needs"¹⁹. Under this concept, they are justified by maintaining the socio-economic goods necessary to maintain life in ways conducive to minimum levels of human dignity²⁰. The two groups of rights are directly related to dignity. Civil liberties permit an individual to make free choices about how his or her life will unfold, and form a shield protecting the essence of an individual from outside interference. Political rights — as well as other participatory rights — prevent an individual from being an object of decisions which concern him or her. Social and Economic rights give an individual a claim to basic survival without which he can hardly claim his other rights in a dignified way²¹. Human dignity strengthens the relationship between two groups of rights.

Dignity mandates liberty as well as fulfillment of material needs of individuals. Protection of freedom and promotion of material needs is prerequisite of dignified life.

Autonomy entails dignified and decent life for human being. Human dignity is not only human value but also conditions required to lead a dignified life. Denial of subsistence needs necessarily result into denial of opportunities to individual. Human dignity strengthens universality of human rights. Human dignity within one culture requires fundamental standards of universality across the lines of culture, faith and state²². Universality, the indivisibility of human rights and the interdependence between civil and political rights and economic, social and cultural rights are part of the cultural heritage of our times²³.



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Human dignity is an important value which may generate duties on public authorities to provide assistance to those who would otherwise be left in destitution. Human dignity becomes more significant in relation to social and economic rights, which extends at least as far as is necessary to maintain life and a minimum level of dignity. Respect for human dignity may require state to take positive action to assist those who are unable to provide for themselves. Dignity has also been recognized as having a foundational role in jurisdictions in which it is entrenched as a discrete right²⁴. The court of different jurisdictions has amplified the meaning of dignity and interpreted it as source and introducing contents to human rights formulation²⁵. Human dignity has evolved as a core value to develop the human rights discourse. Professor Schachter rightly said that:

“Political leaders, jurists and philosophers have increasingly alluded to the dignity of human persons as a basic deal so generally recognized as to require no independent support. It has acquired a resonance that leads it to be invoked widely as a legal and moral ground for protest and degrading and abusive treatment. No other ideal seems so clearly accepted as a universal social good”²⁶.

Man's capacity to shape his individual and collective existence depends upon the concept of dignity and his existential autonomy and freedom. Human rights draw their legitimacy and source from individuals. They include recognition of a distinct personal identity, reflecting individual autonomy and responsibility. Individual autonomy will be under severe threat in want of material needs. Few will dispute that a person in abject condition, deprived of adequate means of subsistence, or denied the opportunity to work, suffers a profound affront to his sense of dignity and intrinsic worth. Economic and social arrangements cannot therefore be divorced from the content of dignity.

Violation of human dignity results into humiliation and dehumanization. Humiliation and dehumanization affects not only fundamental freedoms but also capacity of individual persons to be agents of change in their own situation. It deprives individual of human worth and places them with the animals²⁷. Dignity cannot be robbed at the cost of prioritization or categorizations of rights. In the absence of immediate realization of social and economic rights, human being is denied of most priceless value of leading autonomous life. Negation of social and economic rights will result into



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inhuman and demeaning condition. The mandate of establishing egalitarian social order for all will remain as mirage.

Social and economic rights such as minimum income, housing and health care that are necessary to avoid sufferings must be met. Effective realization of these rights assigns 'rights' to beings who belong to human species. The opportunities available in the society must be within the reach of everyone. Every individual must be well fed, lead a healthy life, educated to avail the opportunities is minimum to lead in dignified life. Economic, social, and cultural rights are rights which aim at transforming and improving the standards and quality of people lives in a real sense, not only as an end in themselves, but as means to preserving the dignity of the person. Thus the very core of economic, social and cultural rights is human dignity and equality²⁸.

IV. SOCIO-ECONOMIC RIGHTS AND HUMAN DIGNITY IN INDIA

Like the Charter of United Nation and other constitutions of the world, Indian constitution places human dignity in its preamble, a set of principles to be adhered by every instrumentalities of state. The Preamble of Indian Constitution reads as '... dignity of an individual...'²⁹. The prominence of the word 'dignity' was such that a suggestion to use the expression 'dignity of an individual' after 'the unity of the nation' was rejected in Assembly Debates on the premise that unless the dignity of the individual is assured, the nation cannot be united³⁰. Despite the celebrated importance of the 'human dignity' in its Preamble, the Constitution does not mention it anywhere else in its articles. It has not defined it either.

Emphasizing on inviolability of human dignity, Chief Justice Sikri, observed that the basic structure of the Constitution which consists of the supremacy of the Constitution and its secular and federal character, republican and democratic forms of government and separation of powers is built on the basic foundation i.e., dignity and freedom of individual which cannot be destroyed by any form of amendment³¹. Personal freedom and liberty as a facet of dignity constituted the core of human rights. Life with dignity acquired a status of fundamental right of every citizen for pursuit of happiness and excellence³².



The judiciary has reached out to the term 'dignity' for amplifying the content of rights enumerated in chapters of fundamental rights and directive principles of state policy. In a number of decisions, the court has employed the behavioral aspect of 'dignity' to restrict cruel, inhuman and degrading treatment by the State under Article 21³³.

The Court relied on 'dignity' to accord recognition to non-enforceable socio-economic rights on the landscape of enforceable civil and political rights in Francis Coralie case, it observed that "We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head...Every act which offends against or impairs human dignity would constitute deprivation pro tanto of the right to live"³⁴ In Bandhua Mukti Morcha, the court eulogizes the impact of 'dignity' in infusing the meaning of 'life' enshrined under Article 21. The court stated that "This right to live with human dignity enshrined in Article 21 derives its life breath from the directive principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against the abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions

of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State — neither the Central Government nor any State Government — has the right to take any action which will deprive a person of the enjoyment of these basic essentials...which go to make up a life of human dignity"³⁵. The expression 'dignity' has been engaged in deriving content of 'life' in the terms of socio-economic requirement of an individual without which dignified life would remain rhetoric³⁶. The state is bound to preserve the practice to maintain human dignity which is indicated in welfare goals adumbrated in Part IV of the Constitution.

A better enjoyment of life and dignity necessitates not only negative duty to not to interfere but also positive obligation to do the needful



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for guaranteeing socio-economic needs³⁷. In a petition relating to recognition of third gender, 'dignity' has lent desirable support to acknowledge right of a human being to choose his sex/gender identity which is integral to his personality and self-determination³⁸. Requirement of safe working environment in hazardous employment flows out guarantee of human dignity, the court said that "Right to health i.e. right to live in a clean, hygienic and safe environment is a right flowing from Article 21. Clean surroundings lead to healthy body and healthy mind. But, unfortunately, for eking a livelihood and for national interest, many employees work in dangerous, risky and unhygienic environment. Right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy, particularly Clauses (e) and (f) of Articles 39, 41 and 42. Those Articles include protection of health and strength of workers and just and humane conditions of work. Those are minimum requirements which must exist to enable a person to live with human dignity. Every State has an obligation and duty to provide at least the minimum condition ensuring human dignity. But when workers are engaged in such hazardous and risky jobs, then the responsibility and duty on the State is double-fold"³⁹. Bringing strength to right framework for marginalized sections of the society, the court has said that "human dignity of a deaf and dumb person is harmed when he is being marginalized, ignored or devalued on the ground that the disability that he suffers is less than a visually impaired person which, in our view, clearly violates Article 21 of the Constitution of India"⁴⁰.

Linking right to health with availability of good food the court has observed that "enjoyment of life and its attainment, including right to life and human dignity encompasses, within its ambit availability of articles of food, without insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues, etc"⁴¹. Adding a new dimension it has been stated that "the right to life with human dignity encompasses within its fold, some of the finer facets of human civilization which makes life worth living. The expanded connotation of life would mean the tradition and cultural heritage of the persons concerned"⁴². Dignity of human life itself has been accorded the status of a fundamental right along with freedom of association and freedom of speech⁴³. Positive obligation of the



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state to undertake all necessary measures for realization of socio-economic rights draw its support from constitutional mandate ensuring human dignity, irrespective of

whether he or she is poor, illiterate, less educated, and less capable of exercising proper choice. Rights of a common man should be interpreted in a meaningful way so that life can be lived with human dignity⁴⁴.

Developing on constituent of dignified life, the court has observed that "...a right of person to life with human dignity includes all the aspects of life which go to make a person's life meaningful, complete and worth living. The human life has its charm and there is no reason why the life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent the noise as pollutant reaching him. No one can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is nuisance"⁴⁵.

Directive Principles of State Policy, particularly provisions relating to socio-economic goals, encapsulates necessary requisites to guarantee dignified life. The legal interpretation of the provisions for attaching meaningful understanding to the rights prescribed in the chapter of Fundamental Rights accorded recognition to socio-economic rights. The court has heavily relied on 'dignity' as a value for widening the landscape of rights in India.

The court has rightly accepted socio-economic arrangements as inevitable conditions for ensuring dignity. The lack of clarity in the meaning of dignity has proved to be very helpful tool in deducing various undefined rights, social and economic rights in particular. The vagueness surrounding the meaning of human dignity has played instrumental role in shaping social and economic rights in India. The Supreme Court has through its judicial creativity expanded the content of fundamental rights by extracting various facets of 'dignity' underlined in the socio-economic goals enshrined in the Part IV of the Constitution. Human dignity has been used a meaningful source of acknowledging wide range of human rights in general and social and economic rights in particular. The value of dignity offers judges an instrument with which they could enhance the scope of autonomy and well-being of an individual.



V. CONCLUSION

'Dignity' as a preeminent feature of the Constitution enlivens and enriches the provisions of 'rights'. The content of rights has been expanded by reading unarticulated rights into enumerated guarantees. The texture to these unarticulated rights is supplied through social and economic needs scripted in the chapter of 'Directive Principles of State Policy' which constitutes fundamental element of leading a dignified life.

Social and economic rights enforce state to formulate policies to ensure decent and dignified life. Only through realization of social and economic rights human dignity can be protected and promoted. Human rights devoid of human dignity are meaningless. The protection of civil and political rights certainly goes long way to guarantee human dignity; it fails to assure respectable life. But leading a dejected and destitute life is no more dignified. Human rights necessarily mandate autonomy and well-being to every human being.

Dignity as a value explicitly enshrined in the Constitution has been used to negate

unreasonable action of the state as well as to expand the landscape of rights by recognizing socio-economic rights. Social and economic rights feature as a necessary component of autonomy and dignified life. They assure meaningful participation of human being in a society.

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¹ Johannes Schwartlander, 'Menschewurde, Personwurde' in *Lexikon der Biothik* as quoted in Klaus Dicke, *The Founding Function of Human Dignity in the Universal Declaration of Human Rights, The Concept of Human Dignity and Human Rights Discourse*, 2002, p. 119.

² See, *Valsamma Paul v. Cochin University*, (1996) 3 SCC 545.

³ Feldman, D., *Human Dignity as a Legal Value — Part II*, (2000) P.L. (Spring), p 75.

⁴ Jeff Malpas & Norele Lickiss, *Perspectives on Human Dignity: A Conversation*, Springer, p. 77-78.

⁵ It finds place in the Preamble of the Constitution of India, the Charter of United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Constitution of United States, the Constitution of Canada, the German Basic Law to name a few.

⁶ Christopher McCrudden, *Human Dignity and the Judicial Interpretation of Human Rights*, (2008) 19 EJIL 655.

⁷ Preamble to the UN Charter.

⁸ ICCPR, 1966, Preamble, para 3 and ICESCR, 1966, Preamble, para 3.

⁹ Vienna Declaration, 1993, Preamble, para 2.

¹⁰ Christan Starck, 'Menschenwurde,' in *Staatslexikon*, as cited in 'Legal Roots of Human Dignity in German Law' by Joern Eckert, *The Concept of Human Dignity and Human Rights Discourse*, Kretzmer & Klein (eds.), Kluwer Law International, Netherlands, 2002, p. 42.

¹¹ Post Second World War world built on peace, harmony and justice.

¹² 'A Declaration of Rights,' Bishops of the National Catholic Welfare Conference (USA), June 1946.

¹³ See, Craven, M., *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development*, Clarendon Press, Oxford, 1995.

¹⁴ Fabre, C., *Social Rights under the Constitution*, Oxford University Press, 2000, p. 8.

¹⁵ 'worth' explains dignity with moral and personal value, as something which is honorable or of an intrinsic value and thus which calls for unconditioned respect.

¹⁶ Shue, *Basic Rights*, Princeton University, Princeton, 1996, p. 23.

¹⁷ Liebenberg, S., *The Value of Human Dignity on Interpreting Social and economic rights*, 21 SAJHR 1, 18 (2005).

¹⁸ De Vos, P., *Sustentative Equality after Grootboom: The Emergence of Social and Economic Context as a Guiding Value of Equality Jurisprudence*, 2001 ACTA JURIDICA, 52, 64 (2001).

¹⁹ *Supra* n. 14 at 23.

²⁰ Feldman, D., *Human Dignity as a Legal Value, Part I*, p. 16.

²¹ Osiatynski, W., *Social and Economic Rights in a New Constitution for Poland*, in *Western Rights? Post-Communist Application*, Andras Sajó (ed.), Kluwer Law International, Netherlands, 1996, p. 241.

²² Narang, A S., *Human Rights: Universality versus Specificity*, in *Human Rights in India: Issues and Perspectives*, Dr. S.M. Begum (ed), A.P.H. Publishing House, New Delhi, 2000, 149-150.

²³ Despuoy, L., *Forty Years of the Universal Declaration of Human Rights*, *Bulletin of Human Rights, Special Issue*, New York, United Nations, 1988, p. 25.

²⁴ Article 1 of German Basic Law, Section 54(1) of the Hungarian Constitution and Section 10 of the South African Constitution.

²⁵ The Hungarian Court in per Solyom, P. in the Decision No. 23/1990 of 24 October 1990; *S v. Makwanyane*, (1995) 6 BCLR 778 (CC), para 144.

²⁶ The American Journal of International Law, 77 (1983) 848.

²⁷ Human Beings are distinguished from animals on their capacity of reason and rationality.

²⁸ Govender, V., Economic, Social and Cultural Rights in South Africa: Entitlements, Not Mere Policy Options, in *The Dignity and Human Rights: The Implementation of Economic, Social and Cultural Rights*, (ed), Intersentia, 2002, p. 89.

²⁹ Refer to the Preamble of the Constitution of India.

³⁰ B. Shiva Rao, *The Framing of India's Constitution*, Vol. 4 (New Delhi 1962) p. 5.

³¹ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 : AIR 1973 SC 1461.

³² *Kartar Singh v. State of Punjab*, (1994) 3 SCC 569.

³³ *Charles Sobraj v. Supt., Central Jail*, (1978) 4 SCC 104 : AIR 1978 SC 1514; *Jolly George Varghese v. Bank of Cochin*, (1980) 2 SCC 360 : AIR 1980 SC 470; *Sunil Batra v. Delhi Admn.*, (1978) 4 SCC 494 : AIR 1978 SC 1675; *Nandini Satpathy v. P.L. Dani*, (1978) 2 SCC 424 : AIR 1978 SC 1025; *Kishore Singh Ravinder Dev v. State of Rajasthan*, (1981) 1 SCC 503 : AIR 1981 SC 625; *A.K. Roy v. Union of India*, (1982) 1 SCC 271 : AIR 1982 SC 710; *People's Union for Civil Liberties v. State of Maharashtra*, (2014) 10 SCC 635.

³⁴ Bhagwati, J., in *Francis Coralie Mullin v. UT of Delhi*, (1981) 1 SCC 608 : AIR 1981 SC 746, 753.

³⁵ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161 : AIR 1984 SC 802.

³⁶ For contrary view, refer, Govind Mishra, *The Concept of Human Dignity and the Constitution of India*, in *Comparative Constitutional Law*, M.P. Singh (ed)., p. 627, 641042.

³⁷ *Vincent Panikurlangara v. Union of India*, (1987) 2 SCC 165 : AIR 1987 SC 990; *M.C. Mehta v. Union of India*, (1987) 4 SCC 463; *State of H.P. v. Umed Ram Sharma*, (1986) 2 SCC 68 : AIR 1986 SC 847.

³⁸ *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 : AIR 2014 SC 1863.

³⁹ *Occupational Health and Safety Assn. v. Union of India*, (2014) 3 SCC 547 : AIR 2014 SC 1469.

⁴⁰ *Deaf Employees Welfare Assn. v. Union of India*, (2014) 3 SCC 173.

⁴¹ *Centre for Public Interest Litigation v. Union of India*, (2013) 16 SCC 279 : AIR 2014 SC 49.

⁴² *Amarnath Shrine, In re*, (2013) 3 SCC 247.

⁴³ *Ramlila Maidan Incident, In re*, (2012) 5 SCC 1.

⁴⁴ *Harjinder Singh v. Punjab State Warehousing Corpn.*, (2010) 3 SCC 192 : AIR 2010 SC 1116.

⁴⁵ *Noise Pollution (V), In re*, (2005) 5 SCC 733 : AIR 2005 SC 3136.

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