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‘Economic’ Dignity and Transformative Constitutionalism in India – Attempting to Cut the ‘Gordian Knot’

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In jurisdictions such as India, courts often employ various ‘constitutional values’ while adjudicating hard cases. We often hear that a court has pronounced a decision, protecting and upholding the personal liberty, privacy, autonomy, or ‘dignity’ of an individual, or alternatively, upheld the ideas such as justice, constitutional morality, rule of law, or even the majesty of law, in its decision. Dignity, a constitutional value, has been identified by scholars, philosophers, practitioners, and judicial authorities to convey itself in various forms. In 2020, a Full-Bench of the Hon’ble Supreme Court of India in Gujarat Mazdoor Sabha v State of Gujarat had invoked the phrase “economic dignity”, while striking down two Gujarat notifications issued during the COVID-19 pandemic, as unconstitutional. While upholding the fundamental rights and human rights of labourers/workers in the State of Gujarat, the Court often utilized the term ‘dignity’. Regrettably, however, the Court did not coherently elaborate on the contours of ‘economic dignity’. Consequently, the term remains an uncut “Gordian Knot” and is subject to valid criticism on grounds such as indeterminacy. In this article, while briefly evaluating the various conceptions of dignity, we shall attempt to make a coherent evaluation of what ‘economic’ dignity entails for India. We shall highlight how ‘transformative constitutionalism’ has impacted the development of dignity in India, especially ‘economic’ dignity. Subsequently, we shall attempt to cohere ‘economic’ dignity in furtherance of transformative constitutionalism. Finally, we conclude by arguing that ‘economic’ dignity (which may be considered an extension of Kantian intrinsic-worth dignity) connotes minimal economic assurances, in the absence of which, one’s value as a human being would be degraded – and thus, one’s dignity hampered.

Keywords: *constitution, dignity, economic dignity, socio-economic, transformative constitutionalism.*

INTRODUCTION

Last year, in *Gujarat Mazdoor Sabha & Anr v The State of Gujarat*¹ (“GMS decision”), a Full Bench of the Supreme Court of India headed by Dr. D.Y. Chandrachud, J. had struck down two notifications made by the State of Gujarat under Section 5 of the Factories Act, 1948 (“the Act”).² The notification, which was issued during a crucial time when India was in lockdown owing to the COVID-19 pandemic,³ had exempted all factories in Gujarat from adhering to various workers' rights guaranteed by the aforesaid legislation. As the court found these notifications unconstitutional, the State of Gujarat rescinded its earlier notifications.⁴ The *GMS decision* has been hailed for being a progressive judgment that has, *inter alia*, upheld and protected the fundamental rights of the labourers.⁵

The *GMS decision* has consistently emphasized the human ‘dignity’ of workers/labourers at the workplace, with numerically six invocations of the term dignity.⁶ Interestingly, while discussing the Constitution’s tryst with economic experiments and the Directive Principles of State Policy (“DPSP”), the court had invoked the phrase ‘economic’ dignity. In this article, we intend to locate economic dignity under the Indian Constitution, and through our analysis, we shall argue that economic dignity is a constitutional value that necessarily impacts the imports of various fundamental rights.

¹ *Gujarat Mazdoor Sabha & Anr v The State of Gujarat* (2020) 10 SCC 459

² The Factories Act 1948, §5

³ *Gujarat Mazdoor Sabha & Anr v The State of Gujarat* (2020) 10 SCC 459 [2], [24]; Gautam Bhatia, ‘The Pandemic, Labour Rights, And The Supreme Court’s Judgment In Gujarat Mazdoor Sabha’ (*Live Law*, 3 October 2020) <<https://www.livelaw.in/columns/coronavirus-and-the-constitution-the-pandemic-labour-rights-and-the-supreme-courts-judgment-in-gujarat-mazdoor-sabha-163922>> accessed 20 July 2021

⁴ Labour & Employment Department, State of Gujarat, ‘Notification No. GHR/2020/146/FAC/142020/346/M3’ (*E-Citizen, Government of Gujarat*, 2020) <https://www.labour.gujarat.gov.in/Portal/Document/1_242_1_FactoriesAct.pdf> accessed 20 July 2021

⁵ ‘From ‘right to internet’ to freedom to marry irrespective of faith: 5 progressive court judgments of 2020’ (*Free Press Journal*, 18 December 2020) <<https://www.freepressjournal.in/india/from-right-to-internet-to-freedom-to-marry-irrespective-of-faith-5-progressive-court-judgments-of-2020>> accessed 20 July 2021; Gautam Bhatia, ‘By elevating labour rights to human rights, the SC opens a door, writes Gautam Bhatia’ (*Hindustan Times*, 5 October 2020) <<https://www.hindustantimes.com/columns/by-elevating-labour-rights-to-human-rights-the-sc-opens-a-door-writes-gautam-bhatia/story-owY0suGfPjRNyebfPLdcWP.html>> accessed 20 July 2021

⁶ *Gujarat Mazdoor Sabha & Anr v The State of Gujarat* (2020) 10 SCC 459 [29], [38], [39], [42], [44]

First, we shall first explore the various conceptions of human dignity conceived under Indian jurisprudence. Second, we highlight in detail dignity as conceived under the Indian Constitution. Third, moving forward, we explore how transformative constitutionalism can and must continue to influence Indian dignity jurisprudence, including for ‘economic’ dignity. Lastly, we shall then consider in detail our construction of economic dignity, based on the *GMS decision* and other case laws.

VARIOUS CONCEPTIONS OF HUMAN DIGNITY

Human dignity has been conceptualized by authors and courts across the world into various forms, often with many disagreements,⁷ which persist even today. Carter Snead’s famous work had narrowed dignity into two broad forms: ‘intrinsic’ dignity and ‘contingent’ dignity.⁸ Dr. Pritam Baruah, a renowned legal scholar on constitutional values including dignity, has recorded three forms of dignity: ‘status-based’ dignity, ‘Kantian intrinsic-worth’ dignity (or simply, ‘intrinsic dignity’), and the ‘performance-based’ dignity.⁹ Authors such as Tiwari have recently attempted to locate ‘communitarian’ dignity or ‘group’ dignity within the Indian Constitution,¹⁰ which was also recently postulated as a constitutional value by the majority opinion of A.K. Sikri, J. in the landmark Constitution Bench decision in *Aadhaar*.¹¹

Let us discuss these conceptions briefly. The notion of ‘intrinsic’ dignity or ‘Kantian intrinsic-worth’ dignity, posits that by virtue of being a human being, every individual is equally

⁷ Pritam Baruah, ‘Human Dignity in Adjudication: The Limits of Placeholding and Essential Contestability Accounts’ [2014] 27 Can J L & Juris 329; Marcus Düwell, Jens Braarvig, Roger Brownsword and Dietmar Mieth (eds), *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* (Cambridge University Press 2014)

⁸ Carter Snead, ‘Human dignity in US law’ in Marcus Düwell, Jens Braarvig, Roger Brownsword and Dietmar Mieth (eds), *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* 386–393 (Cambridge University Press 2014)

⁹ Pritam Baruah, ‘Prashant Bhushan’s Contempt & The Republic’s Feudal Vestige’ (*Article 14*, 6 August 2020) <<https://www.article-14.com/post/prashant-bhushan-s-contempt-the-republic-s-feudal-vestige>> accessed 20 July 2021

¹⁰ Yashowardhan Tiwari, ‘Locating A Right To “Dignity” Of Religious Denominations: The Curious Case Of Sabarimala Temple’ [2020] 2 NLUJ Indian Journal of Legal Theory 97-109; Yashowardhan Tiwari, ‘Theorising ‘group dignity’ as a constitutional value’ *The Daily Guardian* (New Delhi, 29 June 2021) 7

¹¹ *Justice K.S. Puttaswamy (Retd) v Union of India* (2019) 1 SCC 1 [114]

entitled to dignity, i.e. a minimal and inviolable standard of moral respect and care.¹² The notion of 'intrinsic dignity' is the one that corresponds best with the constitutional scheme of India. In contrast, the notion of 'contingent dignity' posits that dignity is ascribed to those whose actions satisfy a predetermined set of criteria. Under this conception, dignity can be acquired or lost and it can also be restrained. Contingent dignity depends on the capacity to exercise autonomous choice.¹³

The relatively underdeveloped notion of 'performance-based dignity' posits that "*individuals do not have inherent worth but earn their right to be respected by actions*". While similar to contingent dignity, performance-based dignity is rarely discussed and its usage varies in academia. Moving forward, the archaic notion of 'status-based dignity' is one where dignity is restrictively available to those individuals or institutions who possess or are accorded high status, such as royalty or nobility.¹⁴ Lastly, the idea of 'communitarian dignity' or 'group dignity' is based on the principles of inherent dignity, but adds a social dimension to the idea of dignity, by expanding autonomy to include 'public autonomy'. It is a relatively new notion that is sluggishly developing and finding acceptance in welfare states, such as India.¹⁵ In summary, one finds that Kantian dignity is the best suited to the Indian landscape, although other models are also often conceived.

These examples are illustrative and highlighted to show the continuing expansions of dignity in Indian jurisprudence. Nonetheless, as cautioned by Dr. Tarunabh Khaitan, there is a pressing need for clearly elaborating the contents of 'dignity',¹⁶ which applies equally to the court's reference to 'economic' dignity. Interestingly, the notion of 'economic' dignity is not

¹² Carter Snead, 'Human dignity in US law' in Marcus Düwell, Jens Braarvig, Roger Brownsword and Dietmar Mieth (eds), *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* 386–387 (Cambridge University Press 2014)

¹³ *Id.*, 386, 392-3

¹⁴ Pritam Baruah (n 9)

¹⁵ Yashowardhan Tiwari, 'Locating A Right To "Dignity" Of Religious Denominations: The Curious Case of Sabarimala Temple' [2020] 2 NLUJ Indian Journal of Legal Theory 97-109; Yashowardhan Tiwari, 'Theorising 'group dignity' as a constitutional value' *The Daily Guardian* (New Delhi, 29 June 2021) 7

¹⁶ Tarunabh Khaitan, 'Dignity as an Expressive Norm: Neither Vacuous Nor a Panacea' [2012] 32(1) Oxford J Legal Stud 14 (2012)

alien to foreign jurisprudence.¹⁷ However, *GMS decision* is the first instance where the term has appeared in Indian case-laws, that too, only in one reference. Despite this, there are indeed previous observations by courts that have sought to link economic justice with dignity, which we shall explore below.

DIGNITY AND THE CONSTITUTION

While very rarely mentioned in its provisions, the term ‘dignity’ can be located in the Preamble of the Indian Constitution.¹⁸ When the Preamble in the Draft Constitution was being debated, B.N. Rau had argued that “[...] *unless the dignity of the individual is assured, the nation cannot be united*”¹⁹, a belief shared by Ambedkar.²⁰ Over the past decade, the Supreme Court has invoked human dignity various times. In fact, this very vision of dignity as the overarching assurance of the Constitution has been confirmed by Chandrachud, J. in *NCT of Delhi v LG Governor*.²¹

However, the court’s invocations of ‘dignity’ have been subject to criticism by commentators, owing to its inconsistency in various judgments, which has led to some indeterminacy and scepticism.²² As far as economic dignity is concerned, the court in *GMS decision* had remarked that: “*To a worker who has faced the brunt of the pandemic and is currently laboring in a workplace without the luxury of physical distancing, economic dignity based on the rights available under the statute is the least that this Court can ensure them*” [emphasis ours].²³ The court did not choose to elaborate further on what the phrase meant within the context of the Indian Constitution and what it connotes vis-à-vis human dignity. Thus, given the absence of any explanation as to its contours, economic dignity may be subject to the same criticism on grounds of indeterminacy.

¹⁷ Jeremiah Thomas Brown, ‘Economic dignity and financial capabilities: Connecting principles and concepts’ (2020) Research and Policy Centre, The Brotherhood of St Laurence, Melbourne, Working Paper 2020, 11-16 <http://library.bsl.org.au/jspui/bitstream/1/11928/1/Brown_Economic_dignity_and_financial_capabilities_2020.pdf> accessed 22 July 2021; Gene Sperling, *Economic Dignity* (Penguin Press 2020)

¹⁸ The Constitution of India, The Preamble

¹⁹ Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts* (Harper Collins India 2019)

²⁰ Aakash Singh Rathore, *Ambedkar's Preamble: A Secret History of the Constitution of India* (Vintage Books 2020)

²¹ *State (NCT of Delhi) v Union of India & Anr* (2018) 8 SCC 501 [350.4]

²² Pritam Baruah and Vikram Aditya Narayan, ‘Defining Dignity’ (*The Indian Express*, 9 October 2018) <<https://indianexpress.com/article/opinion/columns/defining-dignity-supreme-court-constitution-5392693/>> accessed 20 July 2021

²³ *Gujarat Mazdoor Sabha & Anr v The State of Gujarat* (2020) 10 SCC 459 [44]

To explore this, we will now recall previous decisions that may offer some guidance in this regard, in an attempt to instill coherent meanings into the term.

TOWARDS TRANSFORMATIVE CONSTITUTIONALISM

Both social and economic rights are integral to the holistic conception of dignity.²⁴ In the past, the Supreme Court has held that socio-economic justice is a fundamental right of the marginalized.²⁵ As held in *Muralidhar Dayaneo Kesekar*,²⁶ both the fundamental rights chapter in Part-III and the DPSP in Chapter IV of the Constitution, have been evolved to accord socio-economic justice while securing “political justice” and achieve an “egalitarian social order”. The court noted that socio-economic welfare is “a form of liberty inasmuch as it liberates men from social conditions which narrow their choices and brighten their self-development”.²⁷ Furthermore, it remarked that economic rights are a *sine qua non* concomitant to uplift the underprivileged section of individuals into the national mainstream, thus preserving human dignity.²⁸ The court also opined that fundamental rights under the Constitution only tease illusions to the marginalized, disadvantaged, and deprived sections of the society, if such individuals can never effectively exercise their fundamental rights.²⁹

The court in *GMS decision* has reiterated the ‘transformative’ intent of the Constitution. An integral element of this transformative vision would be *labour welfare*, a fact reflected in the DPSP.³⁰ As noted by Austin, in its constitutional vision of social and economic democracy, the Constituent Assembly was cognizant of the massive poverty in India caused due to the colonial state policies and was strongly motivated to achieve the goal of economic equality and independence.³¹ This is indeed in line with transformative constitutionalism, which, *inter alia*, considers the text of the Constitution, its structure, the historical moment of its framing, later

²⁴ Uday Shankar, ‘Setting Socio-Economic Rights in the Context of Human Dignity in India’ [2016] 8 RMLNLUJ 20, 21

²⁵ *Panchayat Varga Sharmajivi Samudaik Sahakari, Khedut Coop Society and Ors v Haribhai Mevabhai and Ors* (1996) 10 SCC 320, [13]-[14]

²⁶ *Muralidhar Dayaneo Kesekar v Vishwanath Pandu Barde*, 1995 Supp (2) SCC 549 [5]

²⁷ *Muralidhar Dayaneo* (n 26) [11]

²⁸ *Muralidhar Dayaneo* (n 26) [15]

²⁹ *Muralidhar Dayaneo* (n 26) [16]

³⁰ *Gujarat Mazdoor Sabha* (n 23) [37]

³¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (1966) 74-77

developments, the drafting committee discussions, and constituent assembly debates,³² in order to maximally heed the historical aspirations of the Constituent Assembly.

Recalling the observations in *Bhikusa Yamasa Kshatriya*,³³ it was noted by the court that: “*the State has a vital concern in preventing exploitation of labour and in insisting upon proper safeguards for the health and safety of the workers*”. While protecting labour welfare and combating a public health crisis brought by the pandemic are competing interests and require balancing, a statutory provision (i.e. the Act), “cannot be interpreted to provide a free reign for the State to eliminate provisions promoting dignity and equity in the workplace in the face of novel challenges to the state administration, unless they bear an immediate nexus to ensuring the security of the State against the gravest of threats” [emphasis ours].³⁴

This approach of the court seems to echo the sentiment of an earlier decision in the Constitution Bench in *State of UP v Jai Bir Singh*,³⁵ which had held that labour laws cannot be presumed to favour an interpretation in favour of either workers or the employers (industrialists), as neither can be allowed to dominate the other. This assumes relevance especially since the State of Gujarat through its notifications was trying to advance the industrialists’ interests by nearly eliminating every statutory right of workers, during the lockdown.

The court added that the statutory rights under the Act which were suspended had reflected, “*hard won victories of masses of workers to ensure working conditions that uphold their dignity.*”³⁶ Recalling various past decisions, it recorded that it was due to the severe inequity between workers and management, due to which the legislature had statutorily mandated payment for overtime work of workers,³⁷ amongst other rights. It further recorded that the Act is an integral element of the transformative vision of state policy, which seeks to uphold DPSPs under Article(s) 38, 39, 42, and 43 of the Indian Constitution. By attempting to neutralize the

³² Gautam Bhatia (n 19)

³³ *Bhikusa Yamasa Kshatriya (P) Ltd v Union of India* AIR 1963 SC 1591

³⁴ *Gujarat Mazdoor Sabha* (n 23) [38]

³⁵ *State of UP v Jai Bir Singh* (2005) 5 SCC 1

³⁶ *Gujarat Mazdoor Sabha* (n 23) [39]

³⁷ *Ibid*

power dynamics which are skewed in favour of the management/industrialists, the legislation ensures the dignity of the worker.³⁸ Lastly, apart from their resonance with the Constitution's underlying intents, these observations of the court are also consistent with the Gandhian philosophy of collective social development.³⁹

With this, we have sought to explain in detail how transformative constitutionalism has impacted 'dignity' and specifically, 'economic dignity' jurisprudence. We have also explored in depth the Supreme Court's holdings in the *GMS decision*. Moving forward, we now attempt to construct a coherent understanding of economic dignity based on this decision and others and assess the impact of its imports. Exploring the exact impact of economic dignity as we have understood it, we shall then proceed to a broader reflection on the state of Constitutionalism in India, and how this term may factor into it.

COHERING ECONOMIC DIGNITY

Previously, we explored in detail how the *GMS decision* came to the aid of labourers in Gujarat to ensure that factories comply with the basic safeguards the workers were provided within different instruments. We discussed the court's short reference to the workers' 'economic' dignity, which is invoked in the context of the many hardships the workers had to face while performing their roles, that too, during a global health crisis. To ensure compliance with these safeguards would result in respecting their economic dignity. In the past, there have also been certain other decisions where references have been made to socio-economic rights in light of dignity. In the famous 'bonded labour' case, there were mentions of humane conditions of work and maternal relief, protection, protection of the health and strength of workers, and so forth, as "minimum requirements" to enable workers to live with dignity.⁴⁰ Thus, bare

³⁸ *Gujarat Mazdoor Sabha* (n 23) [42]

³⁹ Anadi Tiwari, 'A Comparative Analysis of Gandhian v. Nehruvian Philosophies in Directive Principles of State Policy' (*Constitutional Law Society, NLUO*, 18 March 2021) <<https://clsnuo.com/2021/03/18/a-comparative-analysis-of-gandhian-v-nehruvian-philosophies-in-dpsp/>> accessed 20 July 2021

⁴⁰ *Bandhua Mukti Morcha v Union of India* 1984 3 SCC 161

minimum socio-economic rights were read as the means to ensure human dignity in its most limited sense.⁴¹

In *R Chandevrappa v State of Karnataka*, where alienation of land belonging to scheduled tribes was struck down, Ramaswamy, J. explained in great length the State's duty to further distributive justice, writing that economic empowerment was the "foundation" to make dignity a truism.⁴² In *Haribhai Mevabhai*, socio-economic justice, as guaranteed in the Preamble, was seen by the Supreme Court as an instrument for providing dignity to every citizen.⁴³ Finally, in a situation where sewage workers were killed in a mishap caused due to the negligence of the State in ensuring them a safe work environment, the court once again had recourse to this socio-economic implication of dignity.⁴⁴ It was held that at the very least, the families are entitled to 'adequate' compensation from the State and the contractor involved.

What one finds in all these cases, much like the *GMS decision*, is that courts do not elaborate on what the definitional import of 'economic' dignity may entail. However, their ad-hoc assessments, factual holdings, and the reliefs granted have one belief in common – that dignity entails a "bare minimum" regard for the socio-economic or financial well-being of an individual. In their reading of the above and similar judgments, various authors⁴⁵, albeit not in the context of 'economic' dignity, have also recognized the emphasis of the court on the "essentials" for a dignified life, including the portion of one's life spent at the workplace.

Surmising from this, in our view, 'economic' dignity need not be restricted to the compensatory aspects of one's working (remuneration), but also comprises the presence of "bare minimum" conditions for a dignified workspace. These conditions would include a safe working environment, maternity relief, and other factors described above, while

⁴¹ Aloy Ojilere and Gan Ching Chuan, 'Globalisation and Judicialisation of Socio-economic Rights in India and South Africa: Catalysts for New Directions in Nigeria' [2015] 2(4) NLUJ CALQ 4, 20

⁴² *R Chandevrappa & Ors v State of Karnataka & Ors* 1995 6 SCC 309

⁴³ *Panchayat Varga Sharmajivi Samudaik Sahakari Khedut Coop Society & Ors v Haribhai Mevabhai & Ors* 1996 10 SCC 320

⁴⁴ *Delhi Jal Board v National Campaign For Dignity & Rights of Sewerage And Allied Workers & Ors* 2011 8 SCC 568

⁴⁵ Bhaskar Kumar, 'Transactional Sex: A Socioeconomic Right Rooted in Dignity and Consent' [2017] 8 JILS, 25, 32; Uday Shankar and Saurabh Bindal, 'Judicial Adjudication of Socio-economic Rights: Indian Perspective' [2012] 1(2) NULJ 39, 49

complemented by the State's duty to further economic empowerment of the marginalized to the fullest extent possible. Assuring these conditions would act as the means to ensure the end of dignity as guaranteed by the Constitution. Not only does this means-end approach honour the courts' views in the cases discussed above, but it also gives effect to the aspirations of India's founders, who envisaged the assurance of dignity as the overarching end of the Constitution, as discussed above. Thus, this construction of economic dignity is in furtherance of transformative constitutionalism.

As a value that seeks to guarantee basic or minimal 'economic' assurances, economic dignity assumes immense prominence as an interpretative aid for the Constitution's guarantees. Economic dignity would also ensure that workers are not denied their rights at the cost of majoritarian morality, for as the Supreme Court has held on many recent occasions, constitutional morality necessarily triumphs over "social" morality.⁴⁶ In this light, it may have strong potential in aiding the recognition of various classes of marginalized professions' oppression, through a progressive realization of rights. In this regard, once again, economic dignity has strong potential to act as a device for transformative constitutionalism, as we had detailed previously. In the end, however, the fact remains that economic dignity would only assure "minimal" safeguards to all persons. The State's moral duty to move beyond that minimal assurance would remain vital.

CONCLUDING REMARKS

In this article, we have sought to instill a coherent construction of economic dignity, basing our view primarily on the *GMS decision*, as well as various previous cases. We propose that economic dignity connotes minimal economic assurances (such as economic rights relating to one's capacity as a worker), in the absence of which, one's value as a human being would be degraded – and thus, one's dignity hampered. This resonates with, and therefore, can be considered an extension of the Kantian based view of a person's 'intrinsic' dignity, which we have previously discussed in detail, as the most favoured form of dignity in Indian

⁴⁶ Abhijeet Shrivastava, 'Evolving Meanings And Judicial Reasonings – Filling In The Silences Of 'Constitutional Morality'' [2021] 10(1) WBNUJS International Journal of Law and Policy Review 46

jurisprudence. We concede, as we have ourselves demonstrated, that courts have not elaborated upon the conceptual contours of economic dignity in detail thus far. Despite this, as one attends to the broader reasoning employed by the court in the *GMC decision* and other cases, the above-mentioned reading of economic dignity becomes apparent. Consequently, we hope that our attempt to “cut the Gordian Knot”⁴⁷ is beneficial for future authors who explore and expand on the concept of economic dignity, as well as those authors who seek to critique its usage.

Although the *GMS decision* has been widely celebrated, we consider this fact a failure in the Indian landscape. The *GMS decision*, as also other cases where dignity and socio-economic rights have been addressed, concerned very basic assurances to one’s existence. The fact that individuals have been compelled to seek courts’ intervention to give effect to such assurances, that too, during a health crisis, is shameful. Another dilemma to grapple with is whether one ought to be satisfied with the minimalistic nature of these guarantees and whether we ought to expect greater promises for removing wealth disparities. However, this structural criticism, attacking at the minimal nature of the language of human rights in general,⁴⁸ is beyond the scope of this post.

In any event, judicial recognition of economic dignity would remain meaningless until the State extends concrete efforts towards realizing the socialist themes of the Indian Constitution. This imagination remains a distant dream, considering, for instance, the migrants’ crisis from the last year. Countless labourers were left hapless when lockdowns struck, forced to walk hundreds of miles to reach their homes on a starved stomach, with a sizable majority succumbing to their deaths. The State’s response to this was feigning ignorance, commenting that⁴⁹ no data on migrant deaths was available. In the face of such injustice enabled by the

⁴⁷ ‘Gordian knot’ (Merriam Webster, 22 July 2021) <https://www.merriam-webster.com/dictionary/Gordian_knot> accessed 22 July 2021; ‘Gordian knot’ (Encyclopaedia Britannica, 22 July 2021) <<https://www.britannica.com/topic/Gordian-knot>> accessed 20 July 2021

⁴⁸ Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Harvard University Press 2018) 10

⁴⁹ Mukesh Rawat, ‘Migrant Workers Deaths: Govt. Says It Has No Data But Didn’t People Die? Here Is A List’ (*IndiaToday*, 9 September 2016) <<https://www.indiatoday.in/news-analysis/story/migrant-workers-deaths-govt-says-it-has-no-data-but-didn-t-people-die-here-is-a-list-1722087-2020-09-16>> accessed 20 July 2021

State, there is a long way to go before we ought to allow ourselves any complacency, lest dignity remains nothing more than a charade.