



RIGHT TO WORK IN THE CONSTITUTIONS OF INDIA AND SRI LANKA: A COMPARATIVE STUDY

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Enforcement of right to work is widely discussed as an important frontier in human rights and in acceptance of the universality and indivisibility of human rights. Hence, the right to work is required to ensure meaningful protection of all other rights. Art. 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) expressed the right to work. International society is a group of states sharing in the working of common institutions. Cooperation on the basis of honouring agreements is part of the primary goals of international society. However, the State is both the 'Principal Violator' and the 'Essential Protector' of human rights of its citizens. The constitution is the supreme legal document of the State and constitutional guarantees of rights of the citizen are provided therein. India and Sri Lanka are members of the South Asian subset of the international society and are culturally interrelated. Constitutions of both nations embody a Bill of Rights. Article 19 (1) (g) of Indian constitution (1949) and Article 14 (1) (g) of Sri Lankan constitution assure freedom of occupation. However, both Constitutions are silent on the assurance to comprehensive employment corresponding to said Article 6 of the ICESCR. But the Indian constitution embodies the same as an unenforceable but aspired duty of the State. Article 23 of the Indian constitution guaranteeing the right against exploitation which is not observed in the Sri Lankan constitution. Article 14 (1) (d) of the Sri Lankan constitution which assures the right to form and join a trade union is not specifically stated in the Indian constitution but derived from the constitutional provision on association and fortified through case law. Provisions analogous to those enumerated in the Part IV of Indian constitution on Directive Principles of State Policy in relation to right to work are not observed in Sri Lanka as such provisions aspire to address a class of social, cultural and economic issues peculiar to India.

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