

### **Benthammania**

A series of write-ups in respect of Bentham's principles of legislation. Every write up will cover one chapter of the book "Bentham's principles of legislation"

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### **Chapter IV**

#### **Law related to subsistence**

Bentham states that there can't be any direct law for subsistence. Here we have to distinguish between the Law relating to subsistence proposed by Bentham with the socialistic laws of distributing food and food grains to the people ridden in poverty. Bentham postulated the principle that poverty is a self-imposed financial condition of a person. Every person has to do labour and make efforts to alleviate poverty and he will definitely get his dues according to the efforts put in by him. The government has to legislate laws to create an instinct amongst the people to earn and provide the security that whenever they make an effort the fruit of their labour is secured by law. The best example of such legislation is the Minimum Wages Act. By this Act payment of wages to a workman is guaranteed as law provides a mechanism to supervise the payment of wages and prescribes punishment for not following said mechanism. Beyond this legislation the legislation like Employment Guarantee Scheme, according to the principle of Bentham, is also a proper legislation to create subsistence. Here the work and wages both are guaranteed. The person ready to perform labour has to report for work and it is incumbent on the Government to provide him work and pay him wages.

The natural motives are needs and enjoyment. The human being is motivated to act to satisfy his needs and when his needs are satisfied, he gets enjoyment. The natural motives of need and enjoyment are interconnected. Because of the need or satisfaction of need a person is ready to do labour, learn and excel in skills, develop courage to accomplish the task and satisfy the need, develop foresight to avoid obstacles in satisfaction of his need and develop all these faculties to the optimum. Enjoyment is an inseparable companion of every need and it is the reward of work done, Bentham says that the government shall legislate the laws to motivate the people to constantly use their irresistible power of the natural motives.

Natural motives have natural rewards and punishments. Accomplishment of need brings satisfaction. Nonaccomplishment certainly brings dissatisfaction and frustration. These punishments may tend a person to inaction. The law of subsistence therefore is required to guarantee the fruits of labour to the person investing his labour.

The law provides for subsistence indirectly, by protecting men that they will get fruits of labour and constantly keep them motivated to input labour. Security for labour, security for fruits of labour, such is the benefit of law and this benefit is an inestimable benefit.