

**Maiden Issue**

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**Volume I, Issue 1, 2023**

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**Prof. M. Afzal Wani**



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**IILM UNIVERSITY**

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## **Maiden issue**

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**IILM Law Journal**

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## EDITORIAL

It is a matter of immense pleasure to put the maiden issue of the *IILM Law Journal*, April 2023 in the hands of our respectful and responsive members of the legal Fraternity. As a new initiative, it is to provide opportunity to law researchers and those who are doing research in allied subjects, to publish their research, after *peer reviewing*, for the benefit of people interested in legal studies, social studies, legislation, judicial decisions and working of the law. The journal is expected to emerge as a vehicle for thought transmission in multiple dimensions across disciplines and sharing of concerns with critical thinking. Original focused studies with purpose, after appropriate choice of methodology, in preference to stereotypes, will be highly appreciated.

Researches for exploring traditional wisdom and historical context, scientific enquiry, apposite scrutiny and futuristic outlook will be a priority for this journal. Case comments, research notes, review articles, rejoinders and book reviews will be highly appreciated.

This maiden issue covers entries on the themes: Indian Constitutional Stance and Achievements on United Nations Sustainable Development Goals of Equality And Justice; Indian Approach to International Arbitration; India's Target to be a Carbo-Free Country; Data Protection vis-a-vis Right to Privacy In India; Medical Tourism and the Law in India; Collective Investment Scheme; Role of Judiciary in Prevention of Custodial Death with Special Reference to Human Right Jurisprudence; Enforceability of Non-Compete Covenants in Employment Contracts vis-a-vis Judicial Pronouncements in India, and the Movement of Criminal Law towards Equality and Justice for All Regardless of Gender. These are providing ideas for national development, international understanding, working of law in society, policy framing, legislation, judging, public administration, diplomacy, system-

management, regulation of technology and social reform. I wish the journal to contribute to Indian Jurisprudence as a rich platform for projection of well researched factual situations and viable ideas and suggestions.

I am grateful to the contributors, advisors, reviewers and the members of the editorial committee of the journal for their efforts cooperation in bringing out this issue of the journal in a shortest possible period of time. Further, critical comments and constructive suggestions from any one for improvement are most welcome.

Thanks.

**Prof. M. Afzal Wani**  
**Editor**

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## INDIAN CONSTITUTIONAL STANCE AND ACHIEVEMENTS ON UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS OF EQUALITY AND JUSTICE

**Prof. M. Afzal Wani\***

### Abstract

*World is a good place to live together for all human beings with peace and harmony, maintain at the same time a sustainable relationship with planet earth itself and all it possesses for generations. How consciously the People of the United Nations are carefully and dutifully living of this planet with concern and cooperation needs a consistent evaluation. The United Nations Millennium Development Goals in 2000 and the Sustainable Development Goals in 2015 demand a frequent review and appropriate action to promote a world without poverty; hunger; disease; sorrow; rampant illiteracy; and discrimination of women. There should be available proper drinkable water, cleanliness; inexpensive and clean energy; work with dignity and good economic conditions; business opportunities; progress, creativity and facilities; maximum uniformity; well-maintained townships and people; appropriate expenditures and manufacturing, care of climate; respect for life under and above water, and on land; prevalent peace; firm institutional support; availability of justice; and working together to achieve these all goals. This article, after seven and a half years declaration of Sustainable Development Goals, gives review of the scheme in action and visible results so far based on data available in the public domain.*

Key Words: *SDGs, understanding, achievements and required appropriate action.*

### **I-The UN Sustainable Development Goals**

Development is presently the main motivation for any human action, though it demands that there should be utmost care taken about the sustainability and real achievements worth a good life for the people. At UN, The United Nations Development Programme (UNDP), initiated in 1990, and the Human Development Report, which was intended to place the interests of the people as the main concern in the planning, implementing and strategizing the path ahead, was conceived and projected with the same expected end. This effort of UNDP has been brought to light by chosen researchers, persons in practice in relevant areas and members of the organization. Continuing the process, in the month of September 2000, constructing upon about ten years of indulgence in the UN consultation and discussions and meetings of heads, humanity leaders met at the Head quarters of the Hinted Nations in New York to take up a document, called UN Millennium Declaration, rising above from traditional isolation to necessary planet participation. The motivation was to dash down the evils of severe poverty and clearly laying down the foundations for elimination of poverty and programming for achievement of targets by 2015. They had become known as the Millennium Development Goals (MDGs).<sup>1</sup> United Nations

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<sup>1</sup> . <https://www.un.org/millenniumgoals/bkgd.shtml#:~:text=The%20Millennium%20Development%20Goals%20set,environmental%20sustainability%20%E2%80%94%20can%20be%20measured.>

Secretary-General BAN Ki-moon said, "Eradicating extreme poverty continues to be one of the main challenges of our time, and is a major concern of the international community. Ending this scourge will require the combined efforts of all, governments, civil society organizations and the private sector, in the context of a stronger and more effective global partnership for development. The Millennium Development Goals set time bound targets, by which progress in reducing income poverty, hunger, disease, lack of adequate shelter and exclusion — while promoting gender equality, health, education and environmental sustainability — can be measured. They also embody basic human rights — the rights of each person on the planet to health, education, shelter and security. The Goals are ambitious but feasible and, together with the comprehensive United Nations development agenda, set the course for the world's efforts to alleviate extreme poverty by 2015." All that through now much more remains to be done and achieved.

Think of the world in 2030, fully inclusive of persons of all colours, castes, classes, creeds, genders, abilities, languages and regions, living together with peace, harmony and happiness. On 25<sup>th</sup> September 2015, the General Assembly of the United Nations adopted the '2030- Agenda' for Sustainable Development that includes 17 Sustainable Development Goals (SDGs). Building on the principle of "leaving no one behind", the '2030-Agenda' accentuates a holistic approach to achieving sustainable development for all.

The 17 sustainable development goals (SDGs) to transform our world now are related to end poverty, remove hunger, improve health, ensure well-being, promote excellence in education, make available pure drinking water, hygienic surroundings, clean and low-cost energy, fair working conditions with considerable economic gains, large scale productions, technological updating and better tools and spaces, maximum compatibilities, well maintainable local social geographies, and sustainable life styles. Concerns should exist equally for lives in water and outside water. Governance should be oriented to the human desire for life with peace and a strong longing for justice through genuine institutional functioning..<sup>2</sup>

### ***Foreseeing Reduction in Inequality***

The Goal 10 providing for reducing inequality within and among countries is about assuring at least by 2030 to increasingly attain and maintain income escalation of the bottom 40 per cent of the populace at a rate above than the national average; activate and encourage the social,

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<sup>2</sup>. GOAL 17: Partnerships to achieve the Goals-

GOAL 1: No Poverty; GOAL 2: Zero Hunger; GOAL 3: Good Health and Well being; 4: Quality Education; GOAL 5: Gender Equality; GOAL 6: Clean Water and Sanitation; GOAL 7: Affordable and Clean Energy; GOAL 8: Decent Work and Economic Growth; GOAL 9: Industry, Innovation and Infrastructure; GOAL 10: Reduced Inequality; GOAL 11: Sustainable Cities and Communities; GOAL 12: Responsible Consumption and Production; GOAL 13: Climate Action; GOAL 14: Life below Water; GOAL 15: Life on Land; GOAL 16: Peace and Justice Strong Institutions; GOAL 17: Partnerships to achieve the Goals.

economic and political togetherness of all, in spite of differences in age, sex, origin race, ethnicity, disability, religion or any other kind of discriminating standard as the case may be.<sup>3</sup>

***Promotion of Peaceful Societies, Sustainability and Access to Justice***

Goal 16 Seeks to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This all is the need of the hour, vehemently felt by civilized people of the world, including academics, workers, social activists, migrant sufferers, women victims, child victims, deserted citizens, political opponents, workers in bondage, social orphans, biological orphans, helpless senior citizens, disempowered populace, child labourers, victims of cumbersome court procedures, victims of offences, misled simple people and disrespected unemployed people of the world.<sup>4</sup>

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<sup>3</sup>. The Goal 10 providing for reducing inequality within and among countries is about assuring at least by 2030 to:

- a) progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average;
- b) empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status;
- c) ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard;
- d) Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality;
- e) Improve the regulation and monitoring of global financial markets and institutions and strengthen the implementation of such regulations;
- f) Ensure enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions;
- g) Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies;
- h) Implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with World Trade Organization agreements;
- i) Encourage official development assistance and financial flows, including foreign direct investment, to States where the need is greatest, in particular least developed countries, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes;
- j) reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.

<sup>4</sup>. Goal 16 objective is to-

- a) significantly reduce all forms of violence and related death rates everywhere;
- b) end abuse, exploitation, trafficking and all forms of violence against and torture of children
- c) promote the rule of law at the national and international levels and ensure equal access to justice for all;
- d) significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime;
- e) substantially reduce corruption and bribery in all their forms;
- f) develop effective, accountable and transparent institutions at all levels;
- g) ensure responsive, inclusive, participatory and representative decision-making at all levels

### ***SDGs and the UN Charter***

These sustainable development goals are basically action to carry forward the main agenda set by the United Nations in its Charter and later resolutions from time to time about promoting better conditions of life for all people to live with dignity. In its Preamble the Charter of the United Nations (1945) asserts that the people of the United Nations are determined to: “to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom”. And to accomplish these ends, they solemnly resolved to combine efforts: “to practice tolerance, take measures to live together with harmony as cooperative helping neighbours, and to get together their potential to give boost and make sustainable peace among the nations for safety, and to make sure, by the approval of principles and the establishments, that there shall not be any use of arms/weapon diplomacy or use in the interest of humanity. They shall put to action the inter country working mechanism for the backing of the economic and social progression of all peoples.<sup>5</sup>

### ***Universal Declaration of Human Rights and SDGs***

The Universal Declaration of Human Rights (UDHR) (1948) in its Preamble, with due eloquence, sets forth the universally significant assumptions that: the recognition of the inherent dignity and of the

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- h) broaden and strengthen the participation of developing countries in the institutions of global governance;
  - i) provide legal identity for all, including birth registration;
  - j) ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements;
  - k) strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime; and
  - l) promote and enforce non-discriminatory laws and policies for sustainable development.

<sup>5</sup>. Article 1 of the Charter lays down the following as its objectives:

- 1) To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
- 2) To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- 3) To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- 4) To be a center for harmonizing the actions of nations in the attainment of these common ends.

equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world; disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people; and man is not to be compelled to have recourse to rebellion against tyranny and oppression as the human rights should be protected by the rule of law. The United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom. It has been considered essential to promote the development of friendly relations between nations and co-operation for the promotion of universal respect for and observance of human rights and fundamental freedoms. It proclaimed UDHR as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.<sup>6</sup>

The notably most significant human rights are equality in birth and dignity;<sup>7</sup> no discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;<sup>8</sup> enjoyment of life, liberty and security of person;<sup>9</sup> right not be a slave;<sup>10</sup> right not to be treated cruelly;<sup>11</sup> right to recognition;<sup>12</sup> right to equal

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<sup>6</sup> The notably most significant human rights which need to be religiously advanced by governments in all nation states are: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Everyone has the right to life, liberty and security of person. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone has the right to recognition everywhere as a person before the law.<sup>6</sup> All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. No one shall be subjected to arbitrary arrest, detention or exile. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

<sup>7</sup>Article 1

<sup>8</sup>Article 2

<sup>9</sup> . Article 3

<sup>10</sup> . Article 4

5. Article 5

6. Article 6

<sup>7</sup>. Article 7

protection;<sup>13</sup> right to an effective remedy;<sup>14</sup> right against arbitrary arrest;<sup>15</sup> and right to public hearing.<sup>16</sup>

## II-India's Constitutional Stance on SDGs

### *Equalization and Equal Opportunities*

Article 14 of the Constitution of India provides the “State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”. It restricts all possible forms of denial of equality to any citizen or non-citizen and expressly strengthens the guarantees of ‘equality before law’ and equal protection of law’. It clearly hits out at any form of discrimination and arbitrariness which is reported frequently in countries with conflicting groups. The societies with distinctions of social peace are a dream of the United Nations for peace within and among countries which the Universal Declaration of Human Rights, 1948 and various national constitutions must follow as the priority for attaining peace and sustainable development. All countries with poor human rights record need to do more for attaining better level of equality and divorce the activities leading to enhanced inequality.

To carry out the agenda of sustainability, the Constitution of India contains more provisions to make possible attainment of equality in regard to the diverse society in the country. Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth stating that the “State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them, and no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to— (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing *ghats*, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. However, in this article the State shall not be prevented from making any special provision for women and children because of their traditionally exposed social and economic position in Indian society. Also the State can make any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. The state shall, however, have the power to make any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, *other than the minority educational institutions*<sup>17</sup>. The State can also make any special provision for the advancement of any other economically weaker sections of citizens. Any special provision can also be made for the advancement of any other economically weaker

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8. Preamble, UDHR, 1948.

<sup>14</sup> Article 8

<sup>15</sup> Article 9

<sup>16</sup> Article 10

<sup>17</sup> . As referred to in clause (1) of article 30.

sections of citizens in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, but not to minority educational institutions, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent of the total seats in each category.<sup>18</sup>

### ***Equality in matters of public employment***

Article 16 provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall be ineligible for, or discriminated against in respect of, any employment or office under the State on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them. The Parliament may make any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

The Parliament is, in spite of that provision, empowered to make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. Similarly, the State can make any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State. The State may consider any unfilled vacancies of a year which were so reserved for being filled up in that year as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.

This article shall not affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

After seven decades of constitutional experience the State has been empowered from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the already mentioned classes, in addition to the existing reservation and subject to a maximum of ten per cent of the posts in each category.

A major step was taken by the constitution makers about reducing inequality was insertion of article 17 in the Constitution of India, which abolished untouchability and forbade its practice in

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<sup>18</sup> . For the purposes of this article and article 16, "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.

any form. It made enforcement of any disability arising out of untouchability an offence punishable in accordance with law.

### ***Basic Freedoms for All***

Article 19 of the Constitution of India guarantees basic freedoms to all the citizens overriding all customary taboos. It provides:

All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (g) to practice any profession, or to carry on any occupation, trade or business.

This constitutional measure is extremely important for ensuring a great role as well as benefit under the Sustainable Development Goals.

### ***Education for All***

Article 21A of the constitution declares right to education as fundamental right, making the State bound to provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Through Directive Principles of State Policy, the State is under an obligation to endeavour to provide early childhood care and education for all children until they complete the age of six years;<sup>19</sup> and promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.<sup>20</sup>

### ***No Exploitation for Anyone***

The Constitution of India prohibits exploitation in the form it prevailed for long in the country. Traffic in human beings and *beggar* and other similar forms of forced labour are prohibited and any contravention of this provision is an offence punishable in accordance with law. The State can, but, impose compulsory service for public purposes, though in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.<sup>21</sup> No child below the age of fourteen years is allowed to be employed to work in any

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<sup>19</sup> . Article 45.

<sup>20</sup> . Article 46.

<sup>21</sup> . Article 23, Constitution of India, 1950.



factory or mine or engaged in any other hazardous employment.<sup>22</sup> A special enactment is dealing with the regulation of labour by children, namely the Child Labour (Prohibition and Regulation) Act, 1986. It contains detailed provisions against exploitation of children in terms of age, nature of work, leisure, educational opportunities and other related matters.

### ***Freedom of Conscience for All***

To ensure equality and well being, the Constitution of India guarantees that all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. The State can only make law for (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; and (b) to provide for social welfare and reform or to throw open of Hindu religious institutions of a public character to all classes and sections of Hindus.<sup>23</sup> Every religious denomination or any section thereof shall have the right— (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law.<sup>24</sup> Giving freedom as to payment of taxes for promotion of any particular religion, it is provided that no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.<sup>25</sup> Article 28 regulates the matters related to freedom as to attendance at religious instruction or religious worship in certain educational institutions. It enjoins that any religious instruction shall not be provided in any educational institution wholly maintained out of State funds, though can be in an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution. As regards individuals, no person “attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto”. The individual choice to maintain his way of life and thought is expressly recognized.

### ***Universal Cultural Sustainability***

Article 29 of the Constitution of India provides that any section of the citizens residing in the

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<sup>22</sup>. Article 24.

<sup>23</sup>. There are two Explanations in this regard. Explanation I.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion. Explanation II...the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

<sup>24</sup>. Article 26.

<sup>25</sup>. Article 27.

territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.<sup>26</sup> Any citizen cannot be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.<sup>27</sup> To ensure a sustainable march in the main stream for all cultural groups and faiths, article 30 of the Constitution of India enables all minorities, whether based on religion or language, a right to establish and administer educational institutions of their choice. For further protection, article 30 requires that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed so “to establish and administer educational institutions of their choice”.<sup>28</sup> The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.<sup>29</sup>

### ***Judicial Assurance and Assertion***

To make the attainment of all these constitutional targets/rights most probable, ‘Right to Constitutional Remedies’ for enforcement of these rights has been conferred by article 32 of the constitution giving right to move the Supreme Court of India directly by appropriate proceedings for the enforcement of the rights conferred leading to attainment of these goals. The Supreme Court has power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, *prohibition*, *quo warranto* and *certiorari*, whichever may be appropriate. Additionally, the Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of these powers exercisable by the Supreme Court. Keeping in view the significance of these assured entitlements, the right guaranteed for seeking the remedy from the Supreme Court cannot be suspended except as otherwise may be provided for by this Constitution.

## **III-Constitutional Directives to the State and SDGs**

### ***Just Social Order with Equality***

Article 38 of the Constitution of India directs the State to secure a social order for the promotion of welfare of the people by striving to promote the welfare of the people by securing and protecting as effectively as it may a *social order in which justice, social, economic and*

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<sup>26</sup> . Article 29 (1)

<sup>27</sup> . Article 20 (2)

<sup>28</sup> . Article 30 (1A).

<sup>29</sup> . Article 30 (2)

*political, shall inform all the institutions of the national life.*<sup>30</sup>In relation to ‘equality’ the State is directed, in particular, to strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.<sup>31</sup>

The State has been directed to follow certain policies towards securing—

- a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- d) that there is equal pay for equal work for both men and women;
- e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.<sup>32</sup>

### ***Equal Justice and Free Legal Aid***

The State has been directed to secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.<sup>33</sup>

### ***Sustainable Operational Conditions***

The Constitution of India requires the State, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.<sup>34</sup> The State should make provision for securing just and humane conditions of work and for maternity relief.<sup>35</sup> Also, the State should endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full

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<sup>30</sup> Article 38 (1); emphasis is added.

<sup>31</sup> . Article 38 (2).

<sup>32</sup> . Article 39.

<sup>33</sup> . Article 39 A.

<sup>34</sup> . Article 41.

<sup>35</sup> Article 42.

enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.<sup>36</sup> The State has been enjoined to make possible more inclusion of people into industry by suitable legislation or in any other way, for securing the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.<sup>37</sup> The State should likewise endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.<sup>38</sup>

### ***Standard of Living and Improvement in Public Health***

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.<sup>39</sup> The responsibility of the State includes organization of agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle;<sup>40</sup> to protect and improve the environment and to safeguard the forests and wild life of the country;<sup>41</sup> and to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.<sup>42</sup>

Article 50 directs the State to take steps to separate the judiciary from the executive in the public services of the State. The provision needs much attention for ensuring the independent and fair performance by the judiciary to enrich well being of the people of India escaping executive interferences.

### ***Promotion of International Peace and Security***

The State, under article 51 of the Constitution of India, is under an obligation to endeavour to:

- a) promote international peace and security;
- b) maintain just and honourable relations between nations;
- c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and
- d) encourage settlement of international disputes by arbitration.

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<sup>36</sup> . Article 43.

<sup>37</sup> Article 43A

<sup>38</sup> . Article 43B

<sup>39</sup> . Article 47.

<sup>40</sup> . Article 48.

<sup>41</sup> Article 48A

<sup>42</sup> . Article 49

### ***Fundamental Duties***

Under article 51 of the Constitution of India, it is the duty of every citizen of India:

- a) to abide by the Constitution and respect its ideals and institutions,<sup>43</sup>
- b) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;<sup>44</sup>
- c) to value and preserve the rich heritage of our composite culture;<sup>45</sup>
- d) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;<sup>46</sup>
- e) to develop the scientific temper, humanism and the spirit of inquiry and reform;<sup>47</sup>
- f) to safeguard public property and to abjure violence;<sup>48</sup>
- g) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;<sup>49</sup>
- h) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.<sup>50</sup>

### **IV-Status Reports on Achievements So Far**

#### ***Global Scene***

The United Nations adopted the Sustainable Development Goals as a pledge to end poverty, hunger, illiteracy, address water shortages, eliminate inequalities and focus on the climate, peace and justice through national and international cooperation. Goals set as a 15-year timeline to meet certain human and environmental challenges by 2030. The United Nations Member States adopted the Sustainable Development Goals as a commitment to end poverty, improve education, address water shortages, eliminate inequalities and focus on the climate, among 17 designated targets. Seven years have passed since the creation of the Agenda and in that time political, natural, human and economic factors have weighed heavily on the success of the SDGs. Part of the original plan was accountability through annual reporting. The Sustainable Development Goals Report is compiled by the U.N. Department of Economic and Social Affairs, with input from international and regional organizations, the UN system of agencies,

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<sup>43</sup>.Article 51A (a)

<sup>44</sup>.Article 51A (e)

<sup>45</sup>.Article 51A (f)

<sup>46</sup>.Article 51A (g)

<sup>47</sup>.Article 51A (h)

<sup>48</sup>.Article 51A (i)

<sup>49</sup>.Article 51A (j)

<sup>50</sup>. Article 51A (k)

statisticians and industry professionals. The 2022 report was released earlier with results not satisfactory. “Efforts to end poverty have been reversed by four years, mostly as a result of the pandemic. Job losses created an economic impact while inflation is still making it more difficult to stretch the budget. Efforts to end hunger have equally been affected by war, rising food prices and systematic inequalities. About one in ten humans suffer from hunger while one in three lacks access to food. The pandemic delivered a crushing hit on world health with over 500 million infections and 15 million related deaths. The disruption in health services contributed to a lack of preventative care, which means death rates rose from other causes, and the overall life expectancy dropped globally. The pandemic caused a breakdown in learning that will be seen for at least a generation. Many students will never return to school. Meanwhile, in low-income areas, the inequalities of access to education and educational tools have dropped, widening the inequality gap.

The pandemic also affected the role women play in the workplace, with more mothers leaving jobs to stay home with children compared to men. About 57% of women are making their own informed medical decisions. Over one in four women have reported abuse by a partner. Even with a seven-year increase, women only represent around 26% of political leadership jobs. Also, human activity over the past 300 years has wiped out 85% of the planet’s wetland areas. Over 3 billion people have a questionable water supply. Over 744 million people live in a country with water concerns. The report concludes we need to multiply current efforts by a four-time increase to meet water goals for 2030.

Inflation, changing employment environments and supply chain issues continue to result in higher than pre-pandemic unemployment rates and poor economic conditions.

Manufacturing has mostly rebounded from the pandemic, with the exception of least developed countries where an increased inequality is seen. However, jobs within manufacturing have dropped by about one-third. Small businesses are still struggling to produce a profit and have adequate access to loans.

World events have caused a dynamic rift in equality between countries while refugees, migrant deaths and discrimination are all high.

Plans for disaster risk have nearly doubled in the past seven years while increasing populations have created mounting waste problems. Public transportation is highly inconsistent globally and, according to WHO, 99% of the world’s urban population is dealing with air pollution.

Food waste is a growing issue at both the agricultural and consumer level. North America and Europe are recycling nearly 48% of electronic waste while much of the developing world recycles less than 2%. As for consumption, we’re relying on natural resources more than ever and practicing unsustainable patterns of product consumption.

Damage to coral reefs, melting glacier ice, sea level rise, drought, rising global temperatures and natural disasters are all in the forecast in the short and long term without drastic change. Last year, 2021 saw the highest energy-related carbon emissions ever recorded.

The ocean is a carbon sink, which can be a good thing for air breathers. However, it's catastrophic for marine animals. Ocean warming, plastic pollution and overfishing add insult to injury.

Crops and livestock are responsible for 90% of the world's deforestation. Around 40,000 species are in threat of extinction in the next 40 years. Biodiversity has taken a huge hit during the pandemic with priority to people and the economy. In a bit of good news, nearly half of biodiversity areas are now being protected.

Violent conflicts are increasing on a global and local level with one-quarter of the population living in conflict-affected areas. On a positive note, global homicides dropped in the first five years of the SDGs, however, one-third of the population reports being scared to walk alone at night, even in their own neighborhood.

This is the one area of the report where significant progress was seen. Development assistance reached a new high thanks to pandemic aid. Foreign investments and remittances both rebounded. Internet access and usage have increased, too. However, developing countries saw a significant increase in debt during the same time period.”

The report is alarming. Achieving the goals will require a synchronized global effort.<sup>51</sup>

## ***Indian Scene***

### *Starvation*

In the 2022 Global Hunger Index, India ranks 107<sup>th</sup> out of the 121 countries with sufficient data to calculate 2022 GHI scores. With a score of 29.1, India has a level of hunger that is serious.<sup>52</sup> Concerns have grown in India over hunger deaths, food aid, and data gaps. The government is accused of failing to log starvation deaths, while the safety net is not catching all it should. Shocking stories are being shared on the situation.<sup>53</sup>

About one starvation death it is reported, “In the weeks before he died in India's West Bengal in August, 30-year-old migrant worker Sanjoy Sardar rarely ate more than one meal a day.<sup>54</sup> It is asserted, “Sardar, who travelled near and far to find what manual labour he could, was forced to stop working altogether after being diagnosed with tuberculosis in June. That left his wife, Saraswati, putting aside most of the little food they could afford for their children. “We had been eating only one meal daily, or the equivalent of one meal split across two meals, before Sanjoy's death,” Saraswati Sardar told The New Humanitarian in the village of Bhula Beda, in Jhargram district.”

<sup>51</sup> . This report is of Dawn Hammon, <https://inhabitat.com/current-status-of-worlds-2030-sustainable-development-goals/> dated: 21<sup>st</sup> September 2022. Accessed at 2 pm on 9<sup>th</sup> March 2023.

<sup>52</sup> . <https://www.globalhungerindex.org/india.html> accessed on 9.03.2023 at 2 pm.

<sup>53</sup> . <https://www.thenewhumanitarian.org/news-feature/2022/12/19/India-hunger-starvation-data-malnutrition> BHULA BEDA, India dated-19 December 2022; accessed on 9.03.2023 at 2 pm.

<sup>54</sup> . Activists say the government is systematically failing to classify such deaths as starvation.

The government has not logged a single death from starvation since 2016, but Mrinalini Paul, who works with the Right to Food and Work Network (RTFWN), a local NGO, said it's clear Sardar's death should have been recorded as one, as should many others.

The Sardar family was eligible for 35 kilos of rice and grain monthly from a government-run aid programme but had been approved for just two kilos because they lacked the right ID documents, according to Paul. "They had been without even these minimal benefits for six months," she told *The New Humanitarian*.

The district magistrate of Jhargram, refuted the allegations, telling *The Hindu* newspaper they were "baseless", while insisting that Sardar's death "was due to illness, TB, and other reasons".<sup>55</sup> Besides, the recently published Medical Certification Cause of Death (MCCD), 2020 report found that fewer than a quarter of the 81,15,882 registered deaths in India that year had known causes. Hunger activists are alarmed that a country with 1.4 billion people can only verify the causes of 22.5% of its documented fatalities.<sup>56</sup>

The hunger problems pre-date COVID. India's last National Family Health Survey, which used data from 2019, found that stunting – a sign of chronic malnutrition – had risen in 11 out of the 17 states. In 13 states, wasting had also increased. Over the last two decades, the Indian government has developed the Public Distribution System (PDS) – which relies on the world's largest biometric system, Aadhaar – to try to alleviate hunger by distributing staple foods at low cost to those in most need. But experts say there are some major holes in the system. "The main limitation of the PDS is that it does little more than to provide a modicum of food and economic security to poor households". "That is certainly an important achievement, but it falls far short of ensuring adequate nutrition,"... "That requires a broader range of interventions, including child nutrition programmes, maternal care, public health measures, and quality education."

There will be even greater concern going into 2023 as the government's additional "free food programme", which has provided families with five kilos of grain every month since April 2020 as a COVID relief measure, is due to wrap up at the end of December.<sup>57</sup>

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<sup>55</sup> . According to the World Health Organization, under-nutrition is a key driver of TB, while malnutrition also makes TB therapy less effective and raises the risk of TB-related death.

<sup>56</sup> . Swati Narayan, assistant professor at the School for Public Health and Human Development at O.P. Jindal Global University, told *The New Humanitarian* that medical workers are unlikely to catch if the cause of death is starvation given how post-mortems are typically carried out...it was crucial to also consider the person's socioeconomic position and the condition of their body, including the weight of their organs, visceral fat, and diseases brought on by a weaker immune system and malnutrition...The post-mortem reports are not an accurate reflection of hunger or starvation deaths in the country...Oral autopsies are much better at determining if the cause of death was hunger."

<sup>57</sup> . In January 2022, the central government told the Supreme Court that no states had reported any deaths due to hunger in the previous year. At issue before the three-judge bench was a public interest litigation petitioning the central government, individual states, and union territories to establish a plan for coordinating the operation of community kitchens in the fight against hunger and malnutrition.

Anun Dhawan, Ishann Dhawan, and Kunjana Singh filed the petition seeking an order to establish a national food grid for those who don't qualify for food aid under the PDS. It remains to be seen whether it will be implemented.



### *Women's Suffering*

As regards gender, about women, the National Criminal Records Bureau (NCRB) reports that India witnesses about 86 rapes every day, 46 offences against women every hour as per 2021 statistics.<sup>58</sup> Among states, Rajasthan (6,337) was on top of the list followed by Madhya Pradesh (2,947), Maharashtra (2,496) and Uttar Pradesh (2,845), while Delhi recorded 1,250 rape cases in 2021.<sup>59</sup> Overall 4,28,278 cases of 'crimes against women' were lodged across the country in 2021, with a rate of crime (per one lakh population) 64.5. The charge-sheeting rate in such offences was 77.1, the official data showed. The number of cases of crimes against women in 2020 stood at 3,71,503 and in 2019 at 4,05,326. The crimes against women category included offences like rape, rape with murder, dowry, acid attacks, suicide abetment, kidnapping, forced marriage, human trafficking, online harassment, among others.

### *Accessing Justice*

Question on justice system are dominated by a large number of undertrial prisoners in India. Also: Why Are 66% From Marginalised groups? It is seen that the number of undertrial prisoners from marginalised castes over the last 5 years showed a 48% jump.<sup>60</sup> Undertrials are languishing in prison despite release order; SC wants a better system to keep tab.<sup>61</sup> The top court wants all states to incorporate digital record-keeping of jail data so that status of bail, discharge, etc. can be tracked.

While flagging the issue of undertrial prisoners who, despite securing bail, continue to be in custody due to their inability to fulfill the conditions of bail, the Supreme Court has called upon all state governments to issue directions to jail authorities to submit details of such cases.

- (a) The name of the undertrial
- (b) The offence charged

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<https://www.thenewhumanitarian.org/news-feature/2022/12/19/India-hunger-starvation-data-malnutrition>  
BHULA BEDA, India dated-19 December 2022; accessed on 9.03.2023 at 2 pm. Edited by Abby Seiff.

<sup>58</sup> . [<https://www.financialexpress.com/india-news/ncrb-data-india-witnessed-86-rapes-every-day-46-offences-against-women-every-hour-in-2021/2650292/>]

<sup>59</sup> .Written by PTI; Updated: August 31, 2022 12:22:16 pm

<sup>60</sup> . <https://www.thequint.com/news/law/indias-undertrial-prisoners-why-are-66-percent-from-marginalised-castes> ROHINI ROY, Published: 24 Dec 2022, 1:42 PM IST... [Over 3 out of 5 undertrial prisoners lodged across Indian prisons, are from Dalit, Adivasi and OBC communities, according to the latest Prison Statistics of India Report (2021).

The report, released in August this year, came up during the 2022 winter session of the Parliament when Minister of State in the Ministry of Home Affairs, Ajay Kumar Mishra, said on 13 December that out of 5,54,034 prisoners, 4,27,165 of them, that is 76%, were undertrial prisoners.

A deeper analysis of the numbers by The Quint, reveals that people from India's marginalised castes made up the majority (66%) of those imprisoned and under trial.

It is essential to note here, that undertrial prisoners are those who haven't been convicted of a crime yet, but have only been accused i.e. the charges mentioned against them haven't been proven. They are still, literally, 'under trial'. Undertrial prisoners, thus, are those that have been imprisoned during the investigation, inquiry, or trial of the crime for which they were arrested.

<sup>61</sup> . <https://www.indiatoday.in/law/story/undertrials-languishing-prison-despite-release-order-sc-wants-better-system-keep-tab-2306328-2022-12-07> Report by Vidya

- (c) The date when the bail was granted, and
- (d) The conditions of bail that have not been met

Lastly, the chart should also indicate the duration lapsed from the date of the bail order till now. The state will have to ensure that these details are furnished by the jail authorities to them and the data is forwarded to the National Legal Services Authority (NALSA). After that, NALSA will begin the process of making necessary suggestions on how to deal with this issue and, of course, provide legal assistance wherever necessary.

The bench said that NALSA could also seek assistance from Tata Institute of Social Sciences (TISS) as it is stated that such an endeavour has been made by them already in Maharashtra. The bench said that assistance would have to be provided seeking variation of the terms of the bail in such cases.

Pendency of cases in courts is a matter of challenge to justice system. "Pending cases across various courts in the country are moving towards the five crore-mark with an over 4.32 crore backlog in subordinate courts, according to data shared by the government in Rajya Sabha on Thursday. In separate written replies, Law Minister said as on December 31, 2022, the total pending cases in district and subordinate courts was pegged at over 4.32 crore. He also said over 69,000 cases are pending in the Supreme Court, while there is a backlog of more than 59 lakh cases in the country's 25 high courts.

As per details available on the Supreme Court website, 69,511 cases were pending in the top court as on February 1."There are 59,87,477 cases pending in high courts across the country, as per the information available on National Judicial Data Grid (NJDG) on February 1, 2023." Out of these, 10.30 *lakh* cases were pending in the Allahabad High Court -- the biggest high court of the country. The Sikkim High Court has the least number of 171 cases. The total pending cases come to 4,92,67,373 or over 4.92 crore.<sup>62</sup>

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<sup>62</sup>. India News, Press Trust of India Updated: February 09, 2023 8:58 pm IST

*Troubling pendency*

The key reason for the mounting of pending cases can be attributed to shifting the role of the Supreme Court from adjudicating cases of constitutional significance into a regular court of appeals. According to legal experts, most of the cases that the Supreme Court was handling daily are either appeals from various high courts or cases of gross violation of individual's fundamental rights. But this role was never meant for the apex court.

From 1950 to 1921, the number of Supreme Court judges has increased nearly four times. Even then, case pendency has steadily kept rising. Around 5,580 or 25% of posts are lying empty in the subordinate courts, which leads to poor Judges to Population Ratio, as India has only 20 judges per million population. Earlier, Law Commission had recommended 50 judges per million.

The laid down procedure of allowing a maximum of three adjournments per case is not followed in over 50 per cent of the matters being heard by courts, leading to rising pendency of cases. Low budgetary allocation is leading to poor infrastructure; Burden of government cases is too much. Police are quite often handicapped in undertaking effective investigation for want of modern and scientific tools to collect evidences.

A weak judiciary has a negative effect on social development, which leads to: lower per capita income; higher poverty rates; poorer public infrastructure; and, higher crime rates. Overcrowding of the prisons, already infrastructure deficient, in some cases beyond 150% of the capacity, results in "violation of human rights".

The poor population of the country is horrified by the increasing cost of justice and the middle or middle class is devastated by the threat of pendency.

### *Children Drop-outing from Schools*

In India, the school facilities are miserably poor. There are primary and middle class schools in many villages established in one, two or three rooms. Teachers are in quite insufficient numbers. Subject teacher at school level is a matter of convenience for local education officers. Troubled children are voiceless to seek hygienic facilities. Parents are busy in earning a meal without any opportunities to give better to their children. Work culture in government offices is worst to the knowledge of any one or every one.<sup>63</sup>

United Nations is looking only to few politically troubled spots in the world and doing some reporting on few issues. They will have to do more and have effective control arms race. Education should be the main focus and all countries should be asked to invest in education.<sup>64</sup>

Number of student enrolled, strength of the teaching staff should be as per the population of the area with a thorough examination of the challenges specific to the area. Is teachers' training facility available in districts or division in a state is a much relevant factor. Availability of trained counselors is now a days gaining more and more importance. How qualified are the

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Timeline set out for computerisation of all the courts, as a necessary step towards setting up of e- courts be followed. All India Judicial Service, which would benefit the subordinate judiciary by increasing quality of judges and help reduce the pendency. Electronic filing of cases: e-Courts are a welcome step in this direction, as they give case status and case history of all the pending cases across High courts and Subordinate courts bringing ease of access to information. Alternate dispute resolution (ADR): As stated in the Conference on National Initiative to Reduce Pendency and Delay in Judicial System- Legal Services Authorities should undertake pre-litigation mediation so that the inflow of cases into courts can be regulated. The Lok Adalat should be organized regularly for settling civil and family matters. Gram Nyayalayas, as an effective way to manage small claim disputes from rural areas which will help in decreasing the workload of the judicial institution. Village Legal Care and Support Centres can also be established by the High Courts to work at grass root level to make the State litigation friendly. The fundamental requirement of a good judicial administration is accessibility, affordability and speedy justice, which will not be realized until and unless the justice delivery system is made within the reach of the individual in a time bound manner and within a reasonable cost.

<sup>63</sup> . Prakarti Walia, School dropouts in India: the causes and prevention, <https://www.turnthebus.org/blog/school-dropouts-in-india-the-cause-and-prevention> accessed on 10<sup>th</sup> March 2023 at 3 pm

Effectiveness of education system is a key to attainment of many goals. Unfortunately, a recent survey by National Statistical Office (NSO) has revealed that around 12.6% of students drop out of school in India, 19.8% discontinued education at the secondary level, while 17.5% dropped out at the upper primary level. As per the survey, a dropout is an "ever-enrolled person" who does not complete the last level of education for which he/she has enrolled and is currently not attending any educational institution. The Government's Right to Education Act and National Policy on Education may have been motivating to provide education to all but it is equally important to analyze the sustainability and efficiency of the education system. Dropout rates are considered to be a great wastage in the education system, not only do many students leave school without acquiring basic skills, but their premature departure represents a significant waste of scarce education resources.

<sup>64</sup> . <https://www.telegraphindia.com/edugraph/news/unicef-india-report-highlights-alarming-rise-in-dropout-rates-of-female-school-students/cid/1858585>

UNICEF's U-Report poll 2022 reveals that 38% of respondents knew at least one female student to have dropped out of school. The UDISE+ 2020-21 report shows that the dropout rate for secondary level education was 14.6%.

counselors and what are their specializations needs to be looked into. It is certain that the idea has not yet even very popular too because of priorities of governments and parents' poor focus on significant aspects of the system. Immediate change is required in the approach, methodology and action plan. When the policies and plans of action are decided the significant fact of counseling cannot be ignored. Given situation is, to a sensitive mind, quite alarming.<sup>65</sup>

### *Social Peace and Progress*

Absence of social peace is a big issue obstructing the way forward to equality, justice and peace. A thirty years' latest history of unfortunate incidents of communal violence, preceded by so much of it, show the gravity of it.<sup>66</sup> In 2012, there were communal riots in Kokrajhar between indigenous Bodos (Tribal, Christian & Hindu faith) and the Muslims after unidentified persons killed four youths of Bodo tribes. The riots were so madly carried and, on the other hand managed that they caused a painful history of 80 human deaths and devastation of 500 villages. In 2013, generally described, engineered communal fights took place between the Jats and Muslims in Muzaffarnagar, a western district of Uttar Pradesh. It was unfortunate to find the riots resulting into the death of 62 citizens and displacement of threatened 5000 other citizens of the country. In its recent history the province had not witnessed such horrible unrest and killing riots. In 2020 Delhi riots took place which were multiple waves of bloodshed, property destruction, and rioting in North East Delhi, beginning on 23 February 2020 and caused chiefly by Hindu mobs attacking Muslims.<sup>67</sup>

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<sup>65</sup> <https://www.newindianexpress.com/nation/2022/nov/04/school-dropout-new-enrolment-both-on-rise-finds-new-study-2514800.html>

The Unified District Information System for Education Plus (UDISE+) report said that the dropout rate among primary students went up from 0.8 per cent in 2020-21 to 1.45 per cent in 2021-22. The report said that more than 8 lakh new girl students enrolled in the year 2021-22, while the number of students enrolled under SC, ST, OBC and Children with Special Needs (CWSN) increased.

The rate for drop out for upper primary students spiked from 1.9 to 3.02 per cent, said the report, which provides a comprehensive study that provides information about enrollment and dropout rates of school students, the number of teachers and infrastructural facilities like toilets, buildings, electricity, hand wash facilities etc. But at the same time, enrolment of students across all the sections from primary to higher secondary went up by 0.95 crores in the same period to stand at 26.52 crores, out of which 13.28 crore were boys and 12.28 crore girls.

<sup>66</sup> . <https://www.gktoday.in/topic/communal-riots-in-india-key-incidents-and-trends/>

In 1989, violence between Hindus and the Muslims in the Bhagalpur resulted in death of around one thousand people (mostly Muslims) and displacement of around 50,000 people. This riot had started at a time when Ram Janmabhoomi Movement was on peak. The tensions escalated at a time when Muharram and Bisheri Puja festivities coincided. Babri Mosque demolition, 1992 resulted in communal riots for several months which resulted in the death of at least 2000 people. The Godhra riots were caused by fire in coaches of Sabarmati Express which killed 58 Hindu "kar sevaks" who were returning from Ayodhya. This was followed by communal riots between Hindus and Muslims in Gujarat for several months resulting into killing of thousands. The official estimates states that atleast 790 Muslims and 254 Hindus were killed during the riots. Such incidents should be stopped.

<sup>67</sup> . [https://en.wikipedia.org/wiki/2020\\_Delhi\\_riots](https://en.wikipedia.org/wiki/2020_Delhi_riots)

Of the 53 people killed, two-thirds were Muslims who were shot, slashed with repeated blows, or set on fire. The dead also included a policeman, an intelligence officer and over a dozen Hindus, who were shot or assaulted. More

Communal riots in India are more politically motivated than caused by the religious factors. The Madan Commission, which was constituted to look into the causes of communal riots in Maharashtra in 1970s, had emphasized that the primary builders of communal tensions are politicians and communalists. Apart from political interests, economic interests also play an important role in instigating communal clashes in India. For example, illicit trade practices can result in communal violence. In most of the riots, the majority of victims did have nothing to do with communal hatred. In other words, in majority of cases, the perpetrators of violence and victims of violence are different persons.

According to statistics, occurrence of communal riots is more in North India than in the South India. The possibility of recurrence of communal riots in places already affected by such riots is greater than those areas which has not witnessed communal riots at all.

The possibility of communal riots is higher in urban areas when compared with that of the rural areas. This is due to the presence of large number of minority population in urban areas.

Most of the riots have occurred during clash of religious festivals. In India, communal riots are also commonly preceding elections. In few instances, communal riots have been used by the state governments to divert the attention of people from genuine problems. Further, earlier, the communal violence used to be sudden and sporadic. But in recent times, the communal riots are well planned and executed to suit the interests of the political class.<sup>68</sup>

Mob lynching incidents, without an expected recourse to law, have increased in frequency and gravity in the recent years, raising a question mark on India's indexing on the standards of equality, peace, justice, poverty and education. This needs immediate action for taking the route of fair attainment of sustainable development goals of reduced inequalities, peace, justice, partnership and literacy.

### *Social Democracy*

A 'social democracy' is a specific type of welfare state and policy regime described as being universalist, supportive of collective bargaining, and more supportive of public provision of welfare. Social democracy, as on the ground, is a government system that has similar commitment to values of socialism, but works within a capitalist framework. The thought, as emerging from democracy, where people have a say in government actions, supports a competitive economy with money while also helping people in securing jobs.

India's endeavours for social democracy have to address the issue of participation in state activities of all, though, a largely diverse group of Indian people, with social, economic, language, racial, religious, aspirational, gender and caste diversities. Adherence to basic constitutional values can be the best course. Any deviance from the balanced and universally accepted norms will be disastrous. Since 1950, the endeavour in this direction shows that the constitutionally positive approach has helped the best the improvements in human index of the

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than a week after the violence had ended, hundreds of wounded were languishing in inadequately staffed medical facilities and corpses were being found in open drains. By mid-March many Muslims had remained missing.

<sup>68</sup> . . <https://www.gktoday.in/topic/communal-riots-in-india-key-incidents-and-trends/>

country. Deviance from that approach has always culminated in injury, rather bloodshed. Equality and social adhesiveness is the best satisfying for the core concepts of all faiths, philosophies and cultures worth the name. India's traditional wisdom need to be invoked as that is truly in consonance with any universally values constituting the social democracy, best for peace, harmony and dignity, without any tinge of imposition. That is where India can act as the *Vishwaguru* in the attainment of sustainable development goals.

## **V-Conclusion**

The United Nations came into existence “to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom”. A subsequent declarations and programmes assured “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs. All and sundry has the right to live, have liberty and enjoy security of person. There is none who should be held in any kind of slavery. There is no reason to hold anyone in confinement and/or put to torture or given degraded punishment. It is absolutely inhuman to deny recognition to any person. The civilized world should not deny to its fellow human beings equal protection of the law. Let everyone be accepted truly entitled to equal protection and equal dignity against any discrimination as declared in the UDHR.

Let no country deny people living their right to an effective remedy under and by law in accordance with globally acceptable norms. Let the stories of subjecting human beings to arbitrary arrest, detention or exile no more be created by governments. Unfortunately governments are now masters in inventing and manufacturing lies, allegations against anyone. Let just be a prime value to be popularized through transparency, a fair and public hearing, at zero cost. Let there be available enough food for all, pure drinking water, medicine, education, social peace, political stability, living facilities, opportunities for development and progress, liberty to express and freedom of faith. After, on 25<sup>th</sup>September 2015, the General Assembly of the United Nations adopted the ‘2030-Agenda’ for Sustainable Development that includes 17 Sustainable Development Goals, half of

the time is already over. Pandemic of Corona came as a very adverse intruder from 2019 to 2022. During the left over period of seven and a half years, the global partnerships to achieve the goals should be exemplarily vibrant, sincere and targeted. All the universities, research institutes must take up programmes for research and training to achieve the goals. Nation States must prioritise the SDGs as per their ground situations and cooperate with all other countries for sharing expertise and resources. Social conflicts should be eliminated by creating multi-cultural understanding and prevent state agencies from becoming a part of these conflicts. Media in each county should support the popularization of SDGs as prime human needs demanding attention of all human beings together. Voluntary sector must play a positive role in advancing and reviewing the achievements with a reasonable frequency to give feedback to the concerned agencies. Market regulations and policies should be reviewed in the context of SDGs. Justice systems should be geared up to new needs making them accessible to the person at the lowest rung of the society. Quality education should be recognized as the fundamental right in its true sense and implantation programmes must be appropriate, comprehensive and effective. Respect for all human beings with equality and dignity should not be compromised by any means. Firm feeling of sense of security should be created in all human being, irrespective of differences in caste, creed, colour, gender, region, language or any other, respecting their right to life, equality and dignity. Those persons or nations who are working against this agenda should be motivated to show respect for humanity with diversity.

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