

EQUAL OPPORTUNITY

INDIA AND THE 2030 AGENDA
FOR SUSTAINABLE
DEVELOPMENT

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SDG GOAL 10

REDUCING INEQUALITY
WITHIN AND AMONG
COUNTRIES



SDG GOAL 16

PROMOTE PEACEFUL AND
INCLUSIVE SOCIETIES FOR
SUSTAINABLE DEVELOPMENT,
PROVIDE ACCESS TO JUSTICE TO
ALL AND BUILD EFFECTIVE,
ACCOUNTABLE AND INCLUSIVE
INSTITUTIONS AT ALL LEVELS



SUSTAINABLE DEVELOPMENT GOAL

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LANDMARK MENTAL HEALTHCARE LEGISLATION

- The Mental Healthcare Act, 2017, commenced on 29 May 2018 and explicitly seeks to comply with the United Nations Convention on the Rights of Persons with Disabilities. Thus granting a legally binding Right to Mental Healthcare to more than 1.3 billion people.
- It is aimed at reducing inequalities for people with mental impairments or psycho-social disabilities.
- It grants them multiple rights such as the right to make decisions about their treatment, confidentiality, and legal aid.
- It has decriminalized attempted death by suicide and recognizing that suicide is often a symptom of mental illness. Instead, it provides care and treatment for persons who attempt death by suicide.
- Mental Health Services have been established at district levels thus proving access to mental healthcare. Moreover, Mental Health Review Boards (MHRBs) have been set up to oversee the treatment of persons with mental illness and to protect their rights.
- It establishes a Central Mental Health Authority and State Mental Health Authorities to regulate mental healthcare and services and to promote mental health.
- The use of Electro-Convulsive Therapy (ECT) without anesthesia and the use of seclusion and restraint in mental health establishments, except in exceptional circumstances have been prohibited.

PROGRESSIVE MATERNITY LAWS

- As per the amended law in 2017, 26 weeks paid leave will be available to women for the first two surviving children, and for any child beyond that will get 12 weeks paid leave.
- Commissioning and adoptive mothers have been included as part of the beneficial move, however the maternity leave period is capped at 12 weeks for them.
- In comparison, US has maternity benefits of 12 weeks of unpaid leave.
- The UK and Australia provide longer maternity leave than India, at 52 weeks.
- In UK women are paid only for 40 weeks and not more than 90% of the wages. As far as Australia goes, women get 18 weeks at the federal minimum wage level. India, on the other hand, provides for 100% wages during maternity leave.
- The abortion laws have also been recently amended, whereby the upper gestation limit has been increased from 20 weeks to 24 weeks. The Indian Courts on various occasions have supplemented this progressive approach by giving due regard to the autonomy and personal liberty of the woman, in cases beyond the above



REPRESENTATIVE DEMOCRACY: CONSTITUTIONAL VALUES

- Leading economist, Esther Duflo and Raghavendra Chattopadhyay in a major field study involving the working of PRIs in West Bengal and Rajasthan observed that women's representation in the local bodies has had a net positive impact on the delivery of local public goods to marginalised communities.

The following measures have aided in the aforementioned achievement :

- Article 243D of the Constitution
Constitutional mandate of 33% reservation for women in Panchayats. Some states have increased it to 50% at the local self government level.
- Political inclusion at the grassroot levels of democracy.
As a consequence, female voter participation has substantially increased and the turnout differential, traditionally in favour of men voters, has now changed where female voter turnout is more than the male voter turnout.

EQUAL OPPORTUNITIES, ACCESS AND MINORITIES

The National Commission for Minorities (referred to as "NCM") was set up by Government as per NCM Act, 1992 to –

- (a) evaluate the progress of the development of minorities under the Union and States
- (b) monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures
- (c) make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments; among others.

The Rights of Persons with Disabilities, 2014 incorporates 19 conditions and recognizes rights of equal opportunity, reservation and several rights including disabled friendly access to all public buildings, hospitals, modes of transport, polling stations, etc

In 2014, the Supreme Court in the *NALSA* judgement In 2014, the Supreme Court of India, in the case of National Legal Services Authority v. Union of India, established the foundation for the rights of transgender persons in India by recognising 'transgender' as the 'third gender' and laying down several measures for prohibition of discrimination against transgender persons and protection of their rights. It led to the enactment of a progressive Transgender Persons (Protection of Rights) 2019.

In 2018, the Supreme Court in *Navtej Singh Johar*, Supreme Court decriminalized homosexuality by reading down parts of a 158-year-old colonial law under Section 377 of the Indian Penal Code.

In *Shayara Bano*, a Constitution Bench of the Supreme Court held that the practice of triple talaq is unconstitutional and violative of facets of equality and liberty as fundamental rights guaranteed under the Constitution. This led to a Parliamentary legislation outlawing and criminalising the practice of triple talaq.

The background features a solid blue gradient with a series of thin, white, wavy lines that flow from the left side towards the right, creating a sense of movement and depth.

SUSTAINABLE DEVELOPMENT GOAL

16

GOAL 16.5 - SUBSTANTIALLY REDUCE CORRUPTION AND BRIBERY IN ALL FORMS

Corruption, bribery, theft and tax evasion cost about US \$1.26 trillion for developing countries per year

New Provisions against corruption in India:

1. Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015
2. The Lokpal and Lokayuktas (Amendment) Act, 2016: Mandating declaration of assets and liabilities by public servants
3. Fugitive Economic Offenders Act, 2018: To deter fugitive economic offenders from evading the process of law in India by staying outside the jurisdiction of Indian courts, to preserve the sanctity of the rule of law.
4. CBI v. Ramesh Gelli, (2016) 3 SCC 788: Landmark case where Key Managerial Personnel of even private entities like a Banking institutions were held by the Hon'ble Supreme Court to fall within the ambit of the definition of 'Public Servant', thus liable to be prosecuted under the Prevention of Corruption Act, 1988

POLICY DECISIONS FOR ENSURING LEGAL IDENTITY

Presently, in India, there are at least eighteen documents that are recognized as acceptable proofs of identity. These range from the passport, to the ration card, to the voting card. Each of these identities serves a specific function, however up until 2009 none acted as one comprehensive national identifier. Therefore, in 2009, the Union of India initiated the exercise of issuing the "AADHAAR CARD".

[translated : backbone]

In 2016, its governing Statutory body was launched by the Government of India named the Unique Identification Authority of India (UIDAI) under the the Aadhar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016.

According to the government, the objective is to enable financial inclusion for all through access to benefits, and to have an easy and cost effective way for citizens to verify their identity.





CONTENTION AND CONFUSION

- The implementation of the Aadhaar Card raised questions regarding its impact on privacy and constitutionality. Therefore, the Aadhaar scheme was challenged before the Supreme Court by Justice K.S. Puttaswamy, a retired judge of the Karnataka High Court.
- Justice Puttaswamy contended that Aadhaar infringes upon fundamental rights guaranteed by the Constitution.

Broadly, his objections included:

1. The government has not put in place adequate privacy safeguards. Any private entity may request authentication by Aadhaar for any reason subject to regulations by the UIDAI. There are no checks on the power of the government to use the biometric data collected.
1. Entitlements granted to the individuals by the State's social sector schemes are themselves a fundamental right. They cannot be limited for any reason, including the failure to produce an Aadhaar Card/Number when applying for benefits.

APEX APPROACH : RULING OF THE SUPREME COURT

- On September 26th 2018, the Supreme Court delivered its judgment. It upheld the Aadhaar Act as constitutionally valid. It ruled that the Act empowers disenfranchised sections of society by providing them better access to fundamental entitlements, such as State subsidies.
- The Court held that the Act was competently passed by Parliament, even though it was passed as a Money Bill. A 4:1 majority upheld the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 as constitutional, and does not violate the fundamental rights guaranteed under Articles 14, 15, 19 and 21.
- However, it struck down individual sections of the Act as unconstitutional.
- Therefore, the aforementioned judgment impacts the scope of Aadhar.
- The government has continued to create new services that require Aadhar, such as scholarships, phone SIM cards, bank accounts, or registering new-born children. The Aadhaar Card has been repeatedly been hailed as an effective measure to efficiently meet SDG 16.9.



As per the latest SDG India Index and Dashboard Report 2020-2021 of the NITI Aayog and United Nations, two national level indicators were identified to measure India's performance towards the SDG 16.9.



1. Percentage of births registered.

- As per the report, 89.3% of all births in India, as of 2018, were officially registered.
- While the target is to have all births registered, the country's average in 2018 was 89.3 percent. Thirteen States and UTs have 100 percent birth registration. Sikkim, where only 65 percent of the births are registered, is at the bottom among the States.

2. Percentage of population covered under Aadhaar. [93.24%]

- Overall, about 93.24 percent of the country's population is covered under Aadhaar as against the target of 100 percent. Thirteen States and UTs, have achieved the target of full Aadhaar coverage. Meghalaya and Assam have less than 50 percent covered. [as per 2021 Report]
- As per the UIDAI website, a total number of 1,363,861,940 Aadhar Cards have been generated. [as of February 2023]

ENVIRONMENTAL PROTECTION : OPINION OF THE SUPREME COURT

The Apex Court in *Citizens for Green Doon v. Union of India* [2021 SCCOnline SC 1243] gave its due consideration and validation to SDG 16 in the context of Environmental Rule of law, observing that :

“Environmental rule of law is key to achieving the Sustainable Development Goals. Indeed, it lies at the core of Sustainable Development Goal 16, which commits to advancing “rule of law at the national and international levels” in order to “[p]romote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

Some Policy Interventions

- 1. Satat Bharat – Sanatan Bharat (Sustainable India):** India has electrified 100% of its villages, reduced 38 million tonnes of CO2 emissions annually through energy efficient appliances, provided clean cooking fuel to 80 million poor households, and set a target to install 450GW of renewable energy and restore 26 million hectares of degraded land by 2030. Globally, India stands third in renewable power, fourth in wind power, and fifth in solar power.
- 2. Swachh Bharat - Swasth Bharat (Clean and Healthy India):** India achieved 100% rural sanitation and sharp reduction in stunting and child and maternal mortality rates. Universal health coverage has been institutionalized through Ayushman Bharat, the world's largest health protection scheme which provides an annual cover of USD 7,000 to 100 million families, covering nearly 500 million individuals.
- 3. Samagra Bharat - Saksham Bharat (Inclusive and Entrepreneurial India):** Social inclusion is pursued through universalizing access to nutrition, health, education, social protection, and developing capabilities for entrepreneurship and employment.

CONCLUSION

The SDGs provide a framework for strategic planning, policy review and action for sustainable development – for economic progress, social justice and inclusion, protection of the climate, environment and biodiversity. They help focus efforts on the health and wellbeing of all people ensuring intergenerational (between the present and future people) and intra generational (between the rich and the poor of the present generation) equity.

With less than 7 years left to 2030, imperative to implement them in the fullest spirit.

- Creating and employing technological innovations to achieve goals : Creation of infrastructure and increasing access, deploying initiatives like E-governance and E-Courts.
- Adoption of Renewable Energy initiatives like RE100, The International Solar Alliance.
- Local and Global partnerships – Knowledge and Data sharing, Capacity Building, Resource mobilization, Trade incentives aligned with SDGs especially for developing countries.
- Advocacy and awareness raising efforts for the goals

THE END
THANK YOU!