
DEVELOPMENT AND HUMAN DIGNITY: UNDERSTANDING THE RTD FROM AN INDIAN PERSPECTIVE

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ABSTRACT

The Right to Development (RTD), though recognized as an inalienable collective human right, lacked a clear definition until the 1986 United Nations Declaration, which first codified it under Article 1.1. Despite its integration into core human rights instruments such as the ICCPR and ICESCR, the 1986 Declaration and subsequent frameworks like the Millennium Development Goals remain non-binding. Varying interpretations—particularly utilitarian approaches—have led to friction between collective and individual rights. Furthermore, geopolitical divisions have politicized the RTD discourse: developed nations use it to demand accountability, while developing states advocate for flexibility in international obligations. These tensions have undermined the Declaration's impact, rendering it largely symbolic. However, the recent proposal of a Draft Convention on RTD marks a critical shift in global consensus. For India, this presents an opportunity to reaffirm its commitment, with RTD principles implicitly embedded in Parts III and IV of the Constitution and reinforced through proactive judicial interpretation by the Supreme Court. This paper thus seeks to explore the Right to Development within the Indian context, examining both judicial and policy efforts to uphold this right and considering its future scope in the evolving international landscape.

Keywords: Right to Development, Third Generation Human Rights, Fundamental Rights, Human Rights, Fundamental Freedom.

1. Introduction

The Right to Development (RTD), enumerated in the 1986 United Nations Declaration, represents a pivotal milestone in the development of international law of human rights. This declaration affirms that development is a fundamental and non-negotiable human right that inherently ties economic, social, cultural, civil, and political rights into a comprehensive framework.¹ The Declaration was adopted in acknowledgment of the expanding understanding that development encompasses more than economic growth and must ensure the complete realization of basic human rights and freedoms.

The 1986 Declaration's roots lie in the post-World War II human rights movement, particularly the 1948 Universal Declaration of Human Rights, which aimed to unify civil, political, economic, social, and cultural rights. Inspired by Roosevelt's "Four Freedoms," especially freedom from want, this vision sought a comprehensive International Bill of Rights.² However, the Cold War fractured this approach, resulting in two separate instruments—the ICCPR and ICESCR—enacted in the late 1970s, which reflected the era's ideological divide by compartmentalizing human rights.³ However, the ideological struggles of the 1960s and 1970s, particularly within the context of decolonization and the Cold War, began to challenge this separation. The Non-Aligned Movement (NAM) and the Organization of African Unity (OAU) played crucial roles in advocating for a more just international economic order, emphasizing that development should be recognized as a human right.⁴ These movements argued that development was not merely an economic process but a comprehensive improvement of human well-being that should integrate economic, social, cultural, and political dimensions.⁵

The RTD first gained legal recognition in the 1981 African Charter on Human and Peoples' Rights, which was a landmark document in the recognition of collective rights, including the right to development.⁶ This regional recognition set the stage for the broader international

¹ General Assembly, *UN Declaration on Right to Development*, UN GAOR, UN Doc A/Res/41/128 (Dec. 04, 1986) available at <https://docs.un.org/en/A/Res/41/128> (last visited on May 2, 2025)

² Mark R. Shulman, "The Four Freedoms: Good Neighbors Make Good Law and Good Policy in a Time of Insecurity" 77 *Fordham Law Review* 555 (2008).

³ Nico J. Schrijver, "Fifty Years International Human Rights Covenants: Improving the Global Protection of Human Rights by Bridging the Gap Between the Two Continents" 41 *Dutch Journal of Human Rights* 457-464 (2016).

⁴ Laure-Hélène Piron for DFID's Social Development Department, "The Right to Development: A Review of the Current State of the Debate" 25 (2002) available at <https://media.odi.org/documents/2317.pdf> (last visited on May 2, 2025)

⁵ *Ibid.*

⁶ *Supra* note 4 at 7.

acceptance of the RTD. The 1986 Declaration marked the peak of these efforts, officially proclaiming that development is an inherent human right, granting every individual the right to participate in, contribute to, and benefit from a development process in which all human rights and fundamental freedoms are fully realized.

The Declaration on the Right to Development aimed to bridge the Cold War-era divide by reaffirming the interdependence of all human rights and framing development as a holistic process essential to achieving true freedom through economic security and independence. However, its adoption faced resistance—most notably from the United States, which cast the sole dissenting vote, challenging the legitimacy, enforceability, and clarity of the RTD. This opposition delayed efforts to transform the Declaration into binding obligations for years.⁷ The primary reason being the differing interests of developed and developing countries. Developed nations have often perceived the RTD as a potential legal tool for individuals to sue states, while developing countries have viewed it as leverage for advocating less stringent international obligations and for securing more favorable global economic policies.⁸ This has led to a stalemate, where the RTD, despite its recognition, remains more symbolic than substantive.

The 1993 Vienna Declaration marked a key milestone by reaffirming the Right to Development (RTD) as a universal and inalienable right, restoring the post-war vision of integrated human rights.⁹ It emphasized the interdependence of civil, political, economic, social, and cultural rights.¹⁰ Yet, RTD continues to face practical challenges. The 2023 Draft Convention on RTD represents renewed international efforts to create binding obligations and a stronger legal framework.¹¹ As debates persist over state responsibility, international cooperation, and global equity, the RTD remains a vital—though contested—pillar in the push for a more just development paradigm.

⁷ Arjun Sengupta, “Right to Development as a Human Right” 36 *Economic and Political Weekly* 2527-2536 (2001).

⁸ Wilfred Ethier, “International Trade and Labor Migration” 75 *American Economic Review* 691-707 (2014).

⁹ Yuefen LI, Daniel Uribe Terán, *et.al.*, for South Centre Geneva, “The International Discourse on the Right to Development and the Need to Reinvigorate its Implementation”, Research Paper No. 149, 4 (2022) available at <https://hdl.handle.net/10419/262124> (last visited on May 2, 2025)

¹⁰ Mesenbet Assefa Tadege, “Reflections on the Right to Development: Challenges and Prospects” 10 *African Human Rights Law Journal* 325-344 (2010).

¹¹ Karin Arts and Atabongawung Tamo, “The Right to Development in International Law: New Momentum Thirty Years Down the Line?” 63 *Netherlands International Law Review* 221-249 (2016).

2. Global evolution of RTD: The MDGs and the SDGs

The Right to Development (RTD) has undergone a significant evolution in international legal discourse, shaped by shifting global paradigms in politics, economics, and human rights. First enshrined in the 1986 United Nations Declaration on the Right to Development, the RTD advocates for the integration of human rights into the broader framework of development policy and practice. Its status was further reinforced by the 1993 Vienna Declaration and Programme of Action, which unequivocally recognized the RTD as a ‘universal and inalienable right’ and reasserted the indivisibility and interdependence of civil, political, economic, social, and cultural rights—a vision originally set forth in the aftermath of the Second World War.¹²

The post-Cold War period witnessed notable shifts in global development trends. Between 1990 and 1999, the global poverty rate declined from 35.9% to 28.1%.¹³ However, this progress was evidently uneven, with sub-Saharan Africa experiencing only marginal improvements and, in some instances, increasing economic disparities.¹⁴ These inequities underscored the limitations of growth-centric approaches and the imperative for a human rights-based model of development that emphasizes equity, participation, and justice.

The adoption of the Millennium Declaration in 2000 further advanced the normative framework of the RTD by linking it to the Millennium Development Goals (MDGs). The 8th MDG, in particular, underscored the principles of global partnership, fair trade, debt relief, and access to essential medicines and technology—core tenets of the RTD.¹⁵ By 2015, the MDGs had facilitated measurable progress: global extreme poverty was reduced from 1.9 billion in 1990 to 836 million; under-five mortality decreased from 90 to 43 per 1,000 live births; and access to improved drinking water rose from 76% to 91%.¹⁶ Despite these gains, structural inequalities persisted. Sub-Saharan Africa, for example, continued to exhibit poverty rates exceeding 40%, and within-country income disparities widened, particularly in rapidly

¹² Xigen Wang, “On the Right to Sustainable Development: Foundation in Legal Philosophy and Legislative Proposals”, in Stephen P. Marks (ed.), *Implementing the Right to Development: The Role of International Law* 39-46 (Friedrich-Ebert-Stiftung, 2008).

¹³ Homi Kharas and Meagan Dooley, “The Evolution of Global Poverty, 1990-2030”, in David B. Grusky, Nima Dahir, *et.al.* (eds.), *Social Stratification* 4-14 (Routledge, New York, 5th edn., 2024).

¹⁴ *Ibid* at 5

¹⁵ *Supra* note 13 at 7

¹⁶ Nana K. Poku, “The Millennium Development Goals and Development After 2015”, in Nana K. Poku and J Whitman (eds.), *The Millennium Development Goals: Challenges, Prospects and Opportunities* 3-17 (Routledge, New York, 2nd edn., 2017).

growing economies such as China and India.¹⁷ Moreover, the MDGs were criticized for their technocratic orientation, often prioritizing quantifiable outcomes over the participatory and rights-based dimensions integral to the RTD.¹⁸

In response to these critiques, the 2015 adoption of the Sustainable Development Goals (SDGs) sought to provide a more holistic and inclusive development agenda. With 17 goals and 169 targets, the SDGs explicitly incorporate RTD principles, notably in Goals 10 (reduced inequalities), 16 (peace, justice, and strong institutions), and 17 (global partnerships). Nonetheless, the realization of these goals remains uncertain. As of 2023, projections estimate that nearly 600 million individuals will still live in extreme poverty by 2030, underscoring the need for a more robust and enforceable rights-based development framework.¹⁹

In recognition of these enduring challenges, the international community introduced the **Draft Convention on the Right to Development** in 2023, presented to the UN General Assembly. This proposed legal instrument seeks to remedy the shortcomings of the 1986 Declaration by establishing binding obligations on states. It emphasizes the creation of enabling environments for development, the equitable distribution of resources, and strengthened international cooperation. Significantly, the draft includes provisions for periodic state reporting and accountability mechanisms—components notably absent from previous frameworks.

However, the path to implementation is fraught with obstacles. Developed states have historically expressed reluctance to commit to binding obligations, particularly those that may necessitate substantive changes to domestic policy or increased financial contributions. This hesitation is reflected in recent aid patterns: between 2021 and 2022, Official Development Assistance (ODA) to developing countries declined by 2%, and fell by over 3.5% for regions including Africa, Asia, Oceania, and Least Developed Countries (LDCs). In 2022, ODA from developed nations amounted to \$179 billion, representing only 0.33% of their combined Gross National Income (GNI), substantially below the United Nations' target of 0.7%.²⁰

¹⁷ Annelie De Man, “The Sustainable Development Goals and the Rights-Based Approach to Development: Compatible or Missing the Point?” 19 *African Human Rights Law Journal* 445-469 (2019).

¹⁸ *Ibid* at 446

¹⁹ Ending Poverty, available at <https://www.un.org/en/global-issues/ending-poverty#:~:text=Poverty%20facts%20and%20figures&text=It%20is%20projected%20that%20the,children%20lives%20in%20extreme%20poverty> (last visited on May 2, 2025)

²⁰ Aid under pressure: 3 accelerating shifts in official development assistance, available at <https://unctad.org/publication/aid-under-pressure-3-accelerating-shifts-official-development-assistance> (last visited on May 2, 2025)

In addition to political resistance, conceptual ambiguities surrounding the RTD continue to impede its implementation. Disagreements persist regarding its definition, scope, and justiciability. The RTD's dual emphasis on individual and collective rights presents inherent tensions between national sovereignty and international obligations. Moreover, despite consistent global economic growth—an average of 2.8% annually between 2000 and 2019—income inequality has intensified, with the top 1% of earners capturing a disproportionate share of global wealth.²¹

The evolution of the RTD reflects a sustained, though contested, effort to reconcile economic development with human rights principles. While significant progress has been made in embedding RTD within international legal instruments and development agendas, substantial challenges remain. The Draft Convention represents a critical step forward, but its efficacy will depend upon the political will of states—particularly those in the Global North—to commit to equitable and enforceable development obligations. Upholding the RTD in the 21st century requires not only legal innovation but also a renewed global consensus grounded in justice, solidarity, and shared responsibility.

3. RTD under the Indian Constitution: Role of the Judiciary in upholding Human Dignity

The Right to Development holds a unique place in India's legal and constitutional landscape. Although not explicitly stated in the Constitution of India, the RTD is deeply embedded within the country's constitutional ethos, particularly through its Fundamental Rights (under Part III) and Directive Principles of State Policy (Under Part IV). This part explores how the RTD has been implicitly recognized in India's constitutional framework, the role of the judiciary in interpreting and advancing this right, and its implications for national development policies.

The Indian Constitution, adopted in 1950, does not explicitly mention the Right to Development. However, its provisions collectively reflect the principles that underpin the RTD. The Constitution's Preamble, which promises justice—social, economic, and political—along with liberty, equality, and fraternity, lays the foundation for a rights-based approach to development.

²¹ Inequality in annual earnings worsens in 2021, *available at* <https://www.epi.org/publication/inequality-2021-ssa-data/> (last visited on May 2, 2025)

The **Fundamental Rights** enshrined in **Part III** of the Constitution provide the legal bedrock for individual freedoms and entitlements, which are essential for human development. **Article 21**, which guarantees the Right to Life and Personal Liberty, has been expansively interpreted by the Supreme Court of India to include a broad range of rights necessary for a dignified life, such as the right to health, education, and a clean environment. These interpretations align closely with the RTD's emphasis on the holistic development of individuals.

Part IV of the Constitution, which outlines the **Directive Principles of State Policy**, provides a non-justiciable framework that guides the state in formulating policies aimed at ensuring social and economic justice. **Articles 38, 39, 41, and 47**, among others, explicitly call for the state to secure a just social order, reduce inequalities, ensure adequate means of livelihood, provide public assistance in cases of unemployment, old age, and sickness, and ensure the improvement of public health and nutrition. These principles resonate with the RTD's goals of achieving equitable and sustainable development.

The interplay between Fundamental Rights and Directive Principles has been pivotal in the judicial recognition of the RTD. While the Directive Principles are not legally enforceable, the judiciary has often relied on them to interpret and expand the scope of Fundamental Rights, thereby indirectly advancing the RTD.

Judicial activism in India has played a transformative role in embedding the Right to Development (RTD) within the broader constitutional framework. The judiciary, particularly the Supreme Court, has interpreted existing constitutional provisions expansively to promote socio-economic rights that align with the principles of the RTD. This section delves into the key judgments that have advanced the RTD, analyzes the underlying judicial philosophy, and examines how the judiciary has balanced collective and individual rights in the context of development.

The Supreme Court of India has been at the forefront of interpreting the Right to Life under Article 21 of the Constitution in a manner that encompasses a broad range of socio-economic rights, which are integral to the concept of the RTD. Several landmark judgments illustrate how the Court has expanded the scope of Article 21 to include rights that are essential for human development.

In this regard, we can mention the *Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981)*²² case, in which the Supreme Court held that the Right to Life under Article 21 includes the right to live with human dignity. This interpretation went beyond the mere protection of life and liberty, extending the right to life to encompass the basic necessities that ensure a life of dignity. The Court stated:

*“The right to life enshrined in Article 21 cannot be restricted to mere animal existence. It means something more than just physical survival. The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing, and shelter.”*²³

This judgment laid the foundation for recognizing the RTD within India’s constitutional framework, as it underscored the state's obligation to ensure conditions that enable individuals to live a dignified life, which is central to the RTD.

Again, in *Bandhua Mukti Morcha v. Union of India (1984)*²⁴ the apex court extended the right to life and inserted the right to development within its peripheries. This case involved the issue of bonded labor, where the petitioner, a social activist group, sought the Supreme Court’s intervention to secure the release of bonded laborers working in inhumane conditions. The Court held that “the Right to Life under Article 21 includes the right to live with dignity, free from exploitation”. The judgment emphasized the state's duty to protect vulnerable sections of society and to provide them with the means to lead a dignified life. The apex court stated -

*“It is the fundamental right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy.”*²⁵

The Court directed the state to take immediate steps to rehabilitate the bonded laborers and to ensure that such practices were eradicated. This judgment linked the RTD with the state’s responsibility to protect and promote the rights of marginalized groups, ensuring that development benefits reach those most in need.

²² Francis Coralie Mullin v. Administrator, Union Territory of Delhi 1981 AIR 746

²³ Ibid.

²⁴ Bandhua Mukti Morcha v. Union of India 1984 AIR 802

²⁵ Ibid

Further in *Unni Krishnan, J.P. v. State of Andhra Pradesh (1993)*²⁶ the Supreme Court extended the horizon of Article 21. In a landmark judgment, the Supreme Court expanded the Right to Life under Article 21 to include the right to education. The case challenged the arbitrary fees charged by private educational institutions, which restricted access to education for economically disadvantaged students. The Court held that the Right to Education flows directly from the Right to Life, as education is essential for the full development of a person by stating-

*“The right to education is implicit in the right to life and personal liberty guaranteed by Article 21. The right to life and dignity of an individual cannot be assured unless it is accompanied by the right to education.”*²⁷

This judgment laid the groundwork for the enactment of the **Right to Education Act, 2009**, which paved the way for free and compulsory education for all children between the ages of six and fourteen. The judgment is significant as it recognizes the state's role in ensuring that all citizens have access to the means necessary for their personal and social development, which aligns with the RTD.

Furthermore, in *M.C. Mehta v. Union of India (1987-1997)*, a series of environmental cases, often referred to as the "Environmental PILs," involved public interest litigation concerning environmental degradation. The Supreme Court ruled that environmental protection is a crucial part of the Right to Life under Article 21, as a healthy environment is necessary for human development.

In the **Ganga Pollution case (1987)**²⁸, the Court ordered the closure of polluting industries along the Ganges River and imposed strict regulations on industrial waste disposal. The Court stated:

*“The enjoyment of life and its attainment and fulfillment guaranteed by Article 21 embraces the protection and preservation of nature’s gifts without which life cannot be enjoyed.”*²⁹

²⁶ Unni Krishnan, J.P. v. State of Andhra Pradesh 1993 AIR 2178

²⁷ *Ibid*

²⁸ M.C. Mehta v. Union of India 1988 AIR 1115

²⁹ *Ibid*

These judgments highlight the Court's recognition of the interdependence between environmental sustainability and human development, underscoring that development must not come at the cost of environmental degradation. This aligns with the RTD's principle that development must be equitable and sustainable.

The Supreme Court of India has also played a critical role in balancing collective and individual rights in the context of development. The RTD inherently involves a tension between collective development goals (such as economic growth and infrastructure projects) and individual rights (such as the right to livelihood, housing, and environmental protection). The Court's jurisprudence reflects its efforts to navigate this complex terrain.

In *Narmada Bachao Andolan v. Union of India (2000)*,³⁰ the Court was concerned with the construction of the Sardar Sarovar Dam on the Narmada River, which led to the displacement of thousands of people. The petitioners argued that the displacement violated the fundamental rights of the affected communities, particularly their right to life and livelihood. The Supreme Court, however, upheld the construction of the dam, emphasizing the larger public interest in terms of national development. The Court stated:

*"When such projects are undertaken and hundreds of crores of public money is spent, individual rights, if any, must yield to the larger public interest."*³¹

While the judgment was criticized for prioritizing collective development goals over individual rights, it also highlighted the challenges inherent in balancing these competing interests. The Court did, however, stress the importance of ensuring adequate rehabilitation and resettlement of the displaced persons, reflecting a recognition that development must be inclusive and that those adversely affected by development projects should be adequately compensated.

In the case of *Olga Tellis v. Bombay Municipal Corporation (1985)*³² the Supreme Court dealt with the eviction of pavement dwellers in Mumbai. The petitioners argued that the eviction violated their right to life under Article 21 since it stripped them of their livelihood, the Court acknowledged that the right to livelihood is part of the Right to Life and declared that evicting

³⁰ *Narmada Bachao Andolan v. Union of India* 2000 (10) SCC 664

³¹ *Ibid*

³² *Olga Tellis v. Bombay Municipal Corporation* 1986 AIR 180

pavement dwellers without offering alternative means was unconstitutional. The Court stated:

*“The right to livelihood is an integral facet of the right to life guaranteed under Article 21 of the Constitution since no person can live without the means of living, that is, the means of livelihood.”*³³

This judgment underscores the Court’s commitment to protecting individual rights, particularly those of the most vulnerable, even in the face of broader development objectives. The ruling reflects a judicial philosophy that development should not be pursued at the expense of fundamental human rights.

Further, *Nand Kishore Gupta & Ors v. State of U.P. & Ors (2010)*³⁴ is another landmark case where the Supreme Court laid down the test for balancing between the collective right to development and an individual’s freedom and personal liberty.

Subsequently in *The State of Telangana vs Mohd. Abdul Qasim (2024)*³⁵ the Supreme Court has reiterated that in environmental cases *“The effort is to minimize the damage to the environment, even in a case where the need for human development is indispensable.”*³⁶ This decision has once again opened up the struggle between the collective right of development from an economic point of view *viz-a-viz* the right to a clean environment as part of the goals of sustainable development.

While the Supreme Court’s activism in promoting the RTD has been widely praised, it has also faced criticism. Some argue that the Court has overstepped its judicial mandate by engaging in what is often termed “judicial overreach.” Critics contend that the judiciary, in its zeal to protect socio-economic rights, has sometimes encroached upon the domain of the legislature and the executive, leading to tensions between the branches of government.

In *Aruna Roy v. Union of India (2002)*³⁷, the Supreme Court was asked to review the constitutional validity of the government’s education policy concerning the teaching of religious values. The Court upheld the policy, emphasizing the importance of education in

³³ *Ibid*

³⁴ *Nand Kishore Gupta & Ors v. State of U.P. & Ors 2010 (10) SCC 282*

³⁵ *The State of Telangana vs Mohd. Abdul Qasim 2024 INSC 310*

³⁶ *Ibid*

³⁷ *Aruna Roy v. Union of India 2002 (7) SCC 368*

promoting the constitutional values of secularism, equality, and fraternity. However, the judgment was criticized for its broad interpretation of the state's role in education, which some saw as an encroachment on legislative prerogatives.

The rise of PILs in India has empowered citizens to approach the Court directly in cases involving public welfare, leading to significant advancements in human rights and social justice. However, the broadening scope of PILs has also led to concerns about the judiciary's role in policy-making. Critics argue that the Court, through its interventions in areas like environmental regulation, urban planning, and economic policy, has sometimes assumed functions that traditionally belong to the executive and legislature.³⁸

Despite these critiques, it is undeniable that the Supreme Court's proactive role in advancing the RTD has had a profound impact on India's development trajectory. By interpreting constitutional provisions expansively, the Court has ensured that development in India is not only a pursuit of economic growth but also a process that respects and promotes human rights. Judicial activism in India has been instrumental in embedding the Right to Development within the country's legal and constitutional framework. Through a series of landmark judgments, the Supreme Court has expanded the scope of the Right to Life to include various socio-economic rights that are essential for human development. While the Court's approach has not been without controversy, it has nonetheless played a critical role in ensuring that development in India is inclusive, equitable, and aligned with the principles of human dignity and justice. The jurisprudence developed by the Court serves as a model for how the judiciary can contribute to the realization of the RTD in a developing country context.

The implicit recognition of the RTD in the Indian Constitution and its reinforcement through judicial interpretation has significant implications for national development policies. India's development strategy has increasingly reflected a rights-based approach, focusing on inclusive growth, poverty alleviation, and social justice.

India's economic policies, particularly since the 1990s, have aimed at achieving high growth rates while addressing poverty and inequality. The government's emphasis on inclusive growth, articulated in the Five-Year Plans and subsequent policies, aligns with the RTD's focus on

³⁸ G. N. Gill, "Environmental Justice in India: The National Green Tribunal and Expert Members" 5 *Transnational Environmental Law* 175 (2015).

equitable development. For instance, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) of 2005 provides a legal guarantee of 100 days of employment to rural households, reflecting a commitment to ensuring livelihoods as part of the broader development agenda.³⁹

The RTD has also influenced social policies aimed at improving human development indicators. **The Right to Education Act, 2009**, the **National Food Security Act, 2013**, and the **Pradhan Mantri Jan Dhan Yojana** (2014) are examples of legislative measures that seek to fulfill the socio-economic rights of individuals, in line with the RTD's objectives. These policies are designed to reduce poverty, enhance social equity, and ensure that development benefits are widely shared. The recognition of environmental protection as part of the RTD has also influenced India's environmental policies. **The National Action Plan on Climate Change** (2008) and various state-level initiatives aim to balance economic growth with environmental sustainability, ensuring that development does not come at the cost of degrading natural resources.

4. Indian National Policies: A futuristic move towards Right to Development

The Right to Development (RTD) has evolved into a multifaceted concept, deeply intertwined with national policies, international obligations, and future challenges. This section explores how India's national policy measures have sought to uphold the RTD, examines the impact of recent international developments, and considers the future prospects for advancing this right in an increasingly interconnected world.

India's approach towards the RTD has been largely shaped by its constitutional commitments and the socio-economic realities faced by its diverse population. National policies in India have aimed at integrating the principles of the RTD by focusing on inclusive growth, poverty alleviation, social justice, and environmental sustainability.

Since the economic reforms of the 1990s, India has pursued a dual strategy of promoting rapid economic growth while striving to reduce poverty and inequality. The Five-Year Plans, which were central to India's economic planning until 2017, consistently emphasized inclusive growth. For instance, the Eleventh Five-Year Plan (2007-2012) explicitly focused on "inclusive

³⁹ T. K. Das, "Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) as Social Safety Net: Analysis of Public Works in Odisha, India" 16 *Review of Economic Perspectives* 337 (2016).

growth” as its central theme, aiming to reduce poverty, create employment opportunities, and ensure that the benefits of growth reached all sections of society.⁴⁰ During this period, India’s GDP growth averaged over 8%, and the poverty rate fell from 37.2% in 2004-05 to 21.9% in 2011-12, lifting millions out of poverty.⁴¹ Moreover, according to research by the State Bank of India, released in the month of February 2024, “the poverty rate in the country fell to 4.5-5 percent in 2022-23. Based on the ‘household consumption expenditure survey data’ the SBI research attributes the decline to government programs initiated for the bottom of the pyramid. The ‘household consumption expenditure survey data’ suggests that rural poverty came down to 7.2 percent from 25.7 percent in 2011-12, and urban poverty is down to 4.6 percent from a decade ago.”⁴² However, it is to be remembered here that while the change in policy by the Government has brought a large section of population out of poverty, the threshold of poverty itself in India itself remains quite low at Rs. 1622 for rural and Rs. 1929 for urban areas⁴³ both of which are much less when compared to the global threshold at \$2.15 per person per day.⁴⁴ Another key aspect to be considered here is the persistent economic disparity among the Indian population. As of 2022, the richest 1% of Indians held 40.1% of the country's total wealth and earned 22.6% of its total income, while the poorest 50% held 6.4% of the country's total wealth and received 15% of its total income. The situation of the poorest 50% is even more dire when compared to the richest 10%, who held 65% of the country's total wealth and earned 57.7% of the nation's total income.⁴⁵ While India’s policy makers have targeted much of their effort in curbing poverty, very little work has been targeted towards curbing concentration of wealth, the widening economic disparity in India which is one of the key obstacles to sustainable development.

Key policies like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) of 2005 have been instrumental in providing livelihood security to rural households, reflecting the RTD’s emphasis on the right to work and income security.

⁴⁰ Planning Commission, Government of India, Eleventh Five Year Plan 2007-2012: Volume I: Inclusive Growth (Oxford University Press 2008) available at <https://policy.asiapacificenergy.org/sites/default/files/Eleventh%20Five%20Year%20Plan%202007-12.pdf> (last visited on May 2, 2025)

⁴¹ *Ibid.*

⁴² Forbes India, ‘Poverty Rate in India: Trend over the Years and Causes’ (Forbes India, 5 July 2024) available at <https://www.forbesindia.com/article/explainers/poverty-rate-in-india/90117/1> (last visited on May 2, 2025).

⁴³ *Ibid.*

⁴⁴ World Bank, ‘India Country Profile’ (Poverty and Inequality Platform, 2024) available at <https://pip.worldbank.org/country-profiles/IND> (last visited on May 2, 2025)

⁴⁵ Perumal J. Prashanth, “The Wrong Way to Fight Inequality”, *The Hindu*, Feb. 05, 2024, available at: <https://www.thehindu.com/opinion/lead/the-wrong-way-to-fight-inequality/article68129186.ece> (last visited on May 3, 2025).

MGNREGA, which guarantees 100 days of wage employment to every rural household, has provided employment to nearly 58 million households in rural India in the financial year 2024 alone, contributing to reduced poverty and the empowerment of marginalized communities.⁴⁶

India's social policies have also aligned closely with the RTD, particularly in the areas of education, health, and food security. The Right to Education Act, 2009 ensures free and compulsory education for children aged 6 to 14, which is a critical component of the RTD as it empowers individuals to participate fully in society and the economy. As of 2020, the Gross Enrolment Ratio (GER) in elementary education had reached 95%, a significant achievement towards universal education.⁴⁷

Likewise, the National Food Security Act of 2013 seeks to guarantee access to sufficient food at affordable prices, targeting nearly two-thirds of India's population, or about 800 million people.⁴⁸ This policy is crucial in realizing the RTD's goal of ensuring the basic necessities of life for all citizens. Moreover, health initiatives like the Ayushman Bharat scheme, launched in 2018, provide health insurance to over 100 million low-income families, reinforcing the RTD's focus on health as a fundamental aspect of human development.⁴⁹

The government has also prioritized addressing malnutrition as a key factor towards stunted development and has implemented several targeted interventions under the Umbrella Integrated Child Development Services (ICDS) Scheme. These include Anganwadi Services, the Scheme for Adolescent Girls, and the Pradhan Mantri Matru Vandana Yojana (PMMVY). Additionally, POSHAN Abhiyaan, launched on 8th March 2018, aims to improve the nutritional status of Adolescent Girls, Pregnant Women, and Lactating Mothers through a synergized and results-driven approach. Mission Poshan 2.0, introduced in the 2021-2022 budget, is an integrated nutrition support program for all States/UTs, focusing on enhancing nutritional content, delivery, outreach, and outcomes, while promoting practices that foster health, wellness, and immunity against disease and malnutrition. As a result malnourishment

⁴⁶ 'India: Employment Provided Under MGNREGA' (Statista, 2024) available at <<https://www.statista.com/statistics/1235972/india-employment-provided-under-mgnrega/>> (last visited on May 3, 2025)

⁴⁷ 'GER improved in 2021-22 at primary, upper primary, and higher secondary levels of school education compared to 2020-21' available at <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1873307>> (last visited on May 3, 2025)

⁴⁸ P. Sengupta and K. Mukhopadhyay, "Economic and Environmental Impact of National Food Security Act of India" 4 *Agricultural and Food Economics* 17- 26 (2016).

⁴⁹ Harpreet Grewal, Pranjali Sharma, *et.al.*, "Universal Health Care System in India: An In-Depth Examination of the Ayushman Bharat Initiative" 15 *Cureus* 22-27 (2023).

in children (stunting, wasting and underweight) under 5 years has reduced as per NHFS-5 (2019-21) from 38.4% to 35.5%, 21.0% to 19.3% and 35.8% to 32.1% respectively, as compared to NHFS-4 (2015-16) while malnutrition among women aged 15-49 years has also reduced from 22.9% to 18.7%.⁵⁰ A decline in the percentage of population suffering from malnourishment no doubt contributes towards the development of a nation; however, it is to be kept in mind that for a country like India with its more than 140 crore population even a small percentage converts to a large number of malnourished people, which if left unchecked, shall cause major hindrances to India's development efforts.

Another key area which requires unwavering attention when it comes to the question of development and allied issues is the labor sector and more particularly the unorganized labor sector. While India has a robust legal and policy framework for the benefit of the organized labor sector not much attention has been accorded to the unorganized laborers in spite of them occupying a staggering 93% of the total work force.⁵¹ These workers are often exploited heavily due to lack of legal protection and while some miniscule efforts are underway to pass on certain benefits to the unorganized sector it does not meet the global standards and is one such area where maximum effort is to be channeled because if the goals of inclusive and sustainable development is to be met the workforce of a nation is to get the fruits of such development first and above all.

India's environmental policies have increasingly recognized the importance of sustainability in development, which is a core component of the RTD. The National Action Plan on Climate Change (NAPCC), launched in 2008, comprises eight missions aimed at promoting sustainable development while addressing climate change. These include the National Solar Mission, which aims to increase the share of solar power in India's energy mix, and the Green India Mission, which focuses on afforestation and ecosystem restoration.

India's commitment to sustainability is also reflected in its international pledges, such as the 2015 Intended Nationally Determined Contributions (INDCs) under the Paris Agreement, where India committed to reducing its emissions intensity by 33-35% by 2030 from 2005 levels and increasing its forest cover to create an additional carbon sink of 2.5 to 3 billion tons of

⁵⁰ 'Malnutrition-Free India', available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1781673> (last visited on May 3, 2025)

⁵¹ 'Unorganized Workers' available at <https://labour.gov.in/unorganized-workers#:~:text=3.,a%20Bill%20in%20the%20Parliament.> (last visited on May 3, 2025)

CO₂ equivalent.⁵² However, according to a recent press release by the Ministry of Environment, Forest and Climate Change India surpassed this goal much before the due date, and in August 2022, India updated its NDC according to which target to reduce emissions intensity of its GDP has been enhanced to 45 percent by 2030 from 2005 level, and the target on cumulative electric power installed capacity from non-fossil fuel-based energy resources has been enhanced to 50% by 2030.⁵³

India's engagement with international developments concerning the RTD has also been shaped by its position as a leading voice among developing nations. India has been consistently advocating for a more equitable global economic order that recognizes the developmental challenges faced by the 'global south'.

The introduction of the Draft Convention on the Right to Development in 2023 marks a significant step towards making the RTD a legally binding international obligation. For India, which has long championed the RTD in international forums, this convention presents an opportunity to reinforce its commitment to inclusive and sustainable development.

The Draft Convention aims to hold states accountable for creating the conditions necessary for the realization of the RTD, including equitable access to resources, international cooperation, and environmental sustainability. India's support for the convention aligns with its broader foreign policy goals, which include advocating for a fairer international economic system and greater South-South cooperation.

India's role in the global RTD discourse has been marked by its leadership in the Non-Aligned Movement (NAM) and its active participation in the Group of 77 (G77), a coalition of developing nations.⁵⁴ India has consistently argued that the RTD should be central to the global human rights agenda, advocating for the removal of trade barriers, greater access to technology, and increased financial assistance to developing countries.⁵⁵

⁵² 'India Announces Its INDC, Pledges to Cut Emission Intensity of Its GDP by 33-35 per Cent by 2030', available at <https://www.downtoearth.org.in/climate-change/climate-change-package-51338> (last visited on May 3, 2025)

⁵³ 'India Achieves Two Targets of Nationally Determined Contribution Well Ahead of the Time' available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1987752> (last visited on May 3, 2025)

⁵⁴ 'Non-Alignment Is Still India's Foreign Policy Alignment', available at <https://www.deccanherald.com/opinion/non-alignment-is-still-indias-foreign-policy-alignment-2706058> (last visited on May 3, 2025)

⁵⁵ *Ibid.*

India's participation in global negotiations, such as the World Trade Organization (WTO) and the United Nations Framework Convention on Climate Change (UNFCCC), reflects its commitment to ensuring that the global economic order supports the developmental aspirations of the Global South. For instance, India has been a vocal advocate for the principle of "common but differentiated responsibilities" in climate negotiations, arguing that developed countries, having historically contributed more to environmental degradation, should bear a greater burden in addressing climate change.⁵⁶

The future of the RTD will likely depend on the ability of countries like India to forge stronger international coalitions that can advocate for a more just and equitable global order. India's growing economic and political influence positions it as a key player in shaping the future of the RTD, particularly in areas such as climate change, trade, and technology transfer.

India's ongoing efforts to strengthen South-South cooperation, through initiatives like the India-Africa Forum Summit and the International Solar Alliance, demonstrate its commitment to advancing the RTD on the global stage. These platforms provide opportunities for India to share its development experiences, promote sustainable practices, and advocate for policies that support the developmental needs of the Global South.

5. Conclusion

The Right to Development is a multi-dimensional concept that comprises within its ambit economic growth, besides the wider human aspirations of dignity, social justice, and environmental sustainability. It can sometimes be superior to a one-sided single right or, more aptly, a collective right that moves beyond one-sidedness. However, economic disparity in India, environmental degradation, and the underdevelopment of key social sectors are still challenging, though the constitutional and policy framework does reflect a strong commitment to these ideals. Proactive interpretation and furthering of RTD by the Indian judiciary, through the ages, in some of the landmark judgments, instrumental in defining the course of development of the country. However, realization of the RTD in its fullest sense can be done through sustained efforts—both at national and international levels. The stage of the right to development in India is quite significant, when much has been done in terms of bringing

⁵⁶ 'India in the International Climate Negotiations: From Traditional Nay-Sayer to Dynamic Broker', *available at* <https://www.files.ethz.ch/isn/133820/WP70.pdf> (last visited on May 3, 2025)

national policy into conformity with its principles. However, the changing socio-economic and environmental landscape demand that these policies be reoriented to address emerging challenges effectively.

One such critical area of immediate concern is economic disparity in society. While initiatives such as MGNREGA have contributed significantly to poverty alleviation, the concentration of wealth continues to be a major barrier in attaining sustainable development. Future policies should not be biased only towards alleviation of poverty but should rather emphasize wealth redistribution through progressive taxation, higher public investment, and stronger social safety nets aimed at securing equitable development. On the other hand, the unorganized sector labor force requires specific policy intervention. Current protections are weak; the workers are left vulnerable. Realizing the RTD demands that India must seriously consider formalizing this sector through legal rights, social security, and fair wages under comprehensive labor reforms.

In this regard, environmental sustainability is equally crucial. While India's commitments under the NAPCC and the Paris Agreement are commendable, inconsistent implementation impairs most of them. Future policies must be deeply embedded with sustainability in development planning; more stringent enforcement of regulations, higher investment in renewable energy, and encouragement of sustainable agriculture should be seen.

Internationally, India needs to play its role as the advocate of the right to development through strategic policy decisions in such a manner which increases its influence in global forums. One such opportunity is the Draft Convention on the Right to Development, which argues for fairer global economic governance. India should forge more alliances with other developing countries, for promoting fair trade and intensifying South-South cooperation under forums like the India-Africa Forum Summit and International Solar Alliance.

Summing up, the efforts to realize RTD in India should follow a truly holistic policy approach touching upon economic disparity, labor rights, and environmental sustainability. With the changing global and national context, India needs to adjust its policies so that RTD continues as a live, actionable right for serving as an example globally in integrating human rights with development.