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Challenges to social and legal health in achieving sustainable development goals

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Abstract--- In 1987, the United Nations Brundt land Commission defined sustainability as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.” United Nation Sustainable Development goals provide a basis to develop an agenda for methodical development across different domains and territory. This research paper dwells into the development parameters mentioned as mentioned by UN through SDGs and tracks India’s preparedness to deal with the challenges put forth in achieving sustainable development in India. As we are all aware the economic growth has come with its own pitfalls which are essentially evident in forms of economic disparity, climate change, urban rural divide, access to health services etc. It is essential that economic development is not limited to few sectors or few regions but should be a comprehensive economic development uplifting all stratas of society and making positive difference to everyone’s life irrespective of gender, state or society, while minimizing the impact on the climate. This paper further strives to develop better understanding how the government is taking initiatives to maintain the equilibrium between social and legal health towards SDGs as well as the right sand remedies available to the citizens and the responsibilities of the government towards the citizen including the sustainable development with minimum impact on the environment.

Keywords---UN - United Nation, SDGs -Sustainable Development goals, legal health.

Introduction

“The term sustainable development was first introduced in the Cocoyoc declaration on environment and development in early 1970.”“Sustainable development means integration of development and environmental imperative.”
“Development should take place in the present but it should not hinder the growth of the future generation for a bright today bleak tomorrow cannot be

counted and it cannot be the last sight of that will today's yesterday's tomorrow it is tomorrow's yesterday.”

Adoption of UN SDGs was the best panacea for improving the lives of people across different sections of society but the challenge is the limited resources and unlimited human demands creating pressure both on governance as well as society. “Sustainable development plays an important role globally as it encourages us to conserve energy and power resource base by gradually changing the ways in which we develop and use Technology.” “Countries must be allowed to meet the basic needs of employment, food , energy, water, and sanitation so to be sustainable, development must possess economical and ecological sustainability it indicates the way in which development should be approached.”

Objectives of Sustainable Development

“The sustainable development goals were born at the United Nation conference on Sustainable Development in Rio de Janerio in 2012 the objectives to produce a set of Universal goals that made the urgent environmental political and economic challenges facing our world. on 1st January 2016. The 17 sustainable development goals of the 2030 agenda for sustainable development were adopted by the world hidden September 28 officially at annual Summit officially came into force.”



Fig 1: Sustainable Development Goals

Constitutional Provisions aiding Sustainable Development

Fundamental Rights

There are certain fundamental rights that are available to the citizens of the countries:

“Article 14: Equality before the law”

“Article 19: protection of certain rights regarding freedom of speech”

“Article 21: protection of life and personal liberty.”

Article 21 is considered as the key article carrying forward the very essence of fundamental rights and has elaborated deliberated and expanded to redefine the its scope and meaning.

“In *MC Mehta v/s Union of India* popularly known as (Oleum gas leak case), the supreme court once again implied treated the right to live in pollution the free environment is a father of the fundamental right to life under article 21 of the constitution.”

In the case of “*Rajiv Ranjan Singh v/s state of Bihar*”,

“it was held by the Patna High Court that failure to protect the inhabitants of the locality from the poisonous and highly injurious effects of the tree effluents and fumes mounted tournament of the inhabitant's rights granted under article 14

and 21 in this case the court held that the company shall have to bear all the expenses of his treatment and sweet able compensation to be awarded to the citizen."

Remedies For The Enforcement Of Fundamental Rights

"The most innovative part of the Constitution is that right to enforce the fundamental right by moving the Supreme Court is itself a fundamental right under article 32 of the Constitution."

"Under these provisions the supreme court and the high court has the power to issue any direction on orders including writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo Warranto, and Certiorari whichever is appropriate."

Public Interest Litigation

"PIL is an important tool in the hand of the people to approach to the Supreme Court and High Courts for enforcement of their rights and it has played an important role in developing and providing impetus to environmental jurisprudence with human rights approach."

"The relaxed rules of locus standi in evolution and Organisation of epistolary Jurisdiction by the Supreme Court and the high court have further ensured the public participation in matters like Environment protection."

Fundamental Duties

"Fundamental duties (part 4A) were added by the 42nd amendment act 1976 in the constitution." "It states that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for a living creature."

"Article 51 A (g) refers to the fundamental duty of every citizen to protect and improve the natural environment."

"Article 51 A (j) further provided that it shall be the duty of every citizen of India to strive towards excellence in all spheres of individual and collective everything so that the nation constantly rises to a higher level of endeavor and achievement."

"The need of the hour is that we should be the real citizen of the country striving towards excellence in all spheres of individual and collective activity including the protection of the environment."

Directive Principles Of The State Policy

Part 4 of the Constitution deals with Directive Principles of State Policy, which were designed to guide the governance apparatus of the state to implement these principles.

"Article 47 - it is the duty of the state to raise the level of nutrition and the standard of living and improve Public Health."

"Article 48A (added by the 42nd amendment act 1976)- the state shall endeavor to protect and improve environment and safeguarding of forest and wildlife."

"The Directive Principles form the fundamental feature and the social conscience of the constitution and the constitution enjoins upon the state to implement these directive principles."

"In MC Mehta Vs Union Of India popularly known as CNG case the court observed that articles 39(e), 47, and 48A by themselves and collectively Costa duty on the state to secure the health of the people improve public health and protect and improve the environment."

Environmental Laws

In the present realm of time environmental laws are essential for any government. It includes statutes, rules and regulations with respect to quality of air, water, habitat and facets of the environment. The primary focus of environmental laws remains on prudent and coherent management of natural resources, like forests, mines, or fisheries. "The need for protection and conservation of the environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India."

The National Green Tribunal Act, 2010

"It was established in concurrence to Rio Summit 1992 to provide judicial and administrative remedies for the victims of the pollutants and other environmental damage." "It also aligns with the right to live in a healthy environment as part of Article 21 of the Constitution."

NGT deals with the civil cases under the 7 acts related to the environment:

- Water (Prevention And Control Of Pollution) Act, 1974
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- Air (Prevention And Control Of Pollution) Act, 1977
- Forest Conservation Act, 1980
- Environmental Protection Act, 1986
- Public Liability Insurance Act 1991
- Biological Diversity Act, 2002

"Compensatory Afforestation Fund Act (CAF), 2016"

This Act was enacted to manage the funds collected for compensatory afforestation which till then was managed by ad hoc Compensatory Afforestation Fund Management and Planning Authority (CAMPA).

"Compensatory afforestation means that every time forest land is diverted for non-forest purposes such as mining or industry, the user agency pays for planting forests over an equal area of non-forest land, or when such land is not available, twice the area of degraded forest land."

"As per the rules, 90% of the CAF money is to be given to the states while 10% is to be retained by the Centre."

"These funds can be used for the maintenance of catchment areas, assisted natural generation, forest management, wildlife protection and management, relocation of villages from protected areas, managing human-wildlife conflicts, training and awareness generation, supply of wood saving devices, and allied activities."

Government programs aligned with UN SDGs:

1. "Swachh Bharat Mission": This flagship program was introduced in rural as well as urban regions aimed at promotion of hygiene, cleanliness, improvement in sanitization and making India open defecation free.
2. "Beti Bachao Beti Padhao": This program was introduced by the government with an objective of eliminating female foeticide, improving gender parity, increasing girl education and initiating other steps for welfare girls.
3. "Pradhan Mantri Awas Joyana": This scheme is introduced by Government with an objective to provide affordable or free housing to poor in urban areas.

4. “Smart Cities Mission”: This is a program for urban refurbishing and retrofitting with a target to develop at least 100 sustainable smart cities in the country.
5. “Pradhan Mantri Jan Dhan Yojana”: This is a financial inclusion program which provides free bank account opening without any minimum balance requirement. This is primarily aimed at providing access to banking services along with bank account, like credit, subsidy payment, direct account transfer, insurance, pensions etc.
6. “Deen Dayal Upadhyaya Gram Jyoti Yojana”: This Government of India scheme provides uninterrupted electricity to rural India. A major investment outlay has been planned in this scheme to the tune of ₹756 billion to provide access to rural India to continuous power supply.
7. “Pradhan Mantri Ujjwala Yojana”: Prime Minister launched this scheme on 1 May 2016 to provide LPG gas cylinders to the women of families falling Below Poverty Line (BPL). “The target under the scheme was to release 8 Crore LPG Connections to the deprived households by March 2020.”
8. “Namami Gange Mission”: It is an Integrated Conservation Mission, approved as ‘Flagship Programme’ by the Union Government in June 2014 with budget outlay of Rs.20,000 Crore to accomplish the twin objectives of effective abatement of pollution, conservation and rejuvenation of National River Ganga. This initiative aligns with SDG 6 and includes components which include sewage treatment infrastructure, River surface cleaning, Afforestation, river front development, Bio diversity and developing Ganga Gram.
9. “National Clean Air Programme (NCAP)”: “In January 2019, the Ministry of Environment, Forest and Climate Change (MoEFCC) launched the National Clean Air Programme (NCAP) to prepare clean air action plans with an objective to reduce PM2.5 pollution by 20–30% by 2024 as compared to 2017, in 122 cities (NCAP, 2019).”

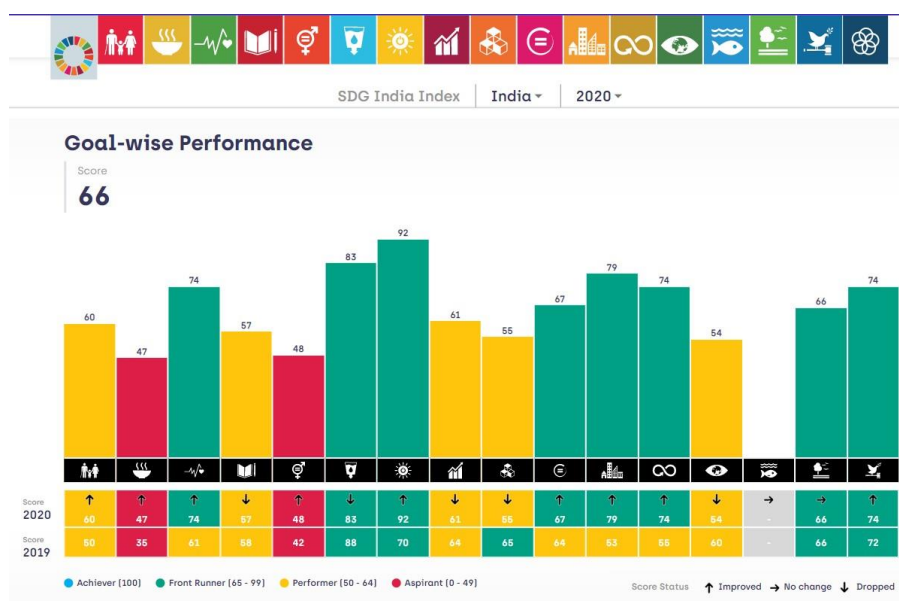


Fig 2: SDG India Index 2020-21

State wise performance

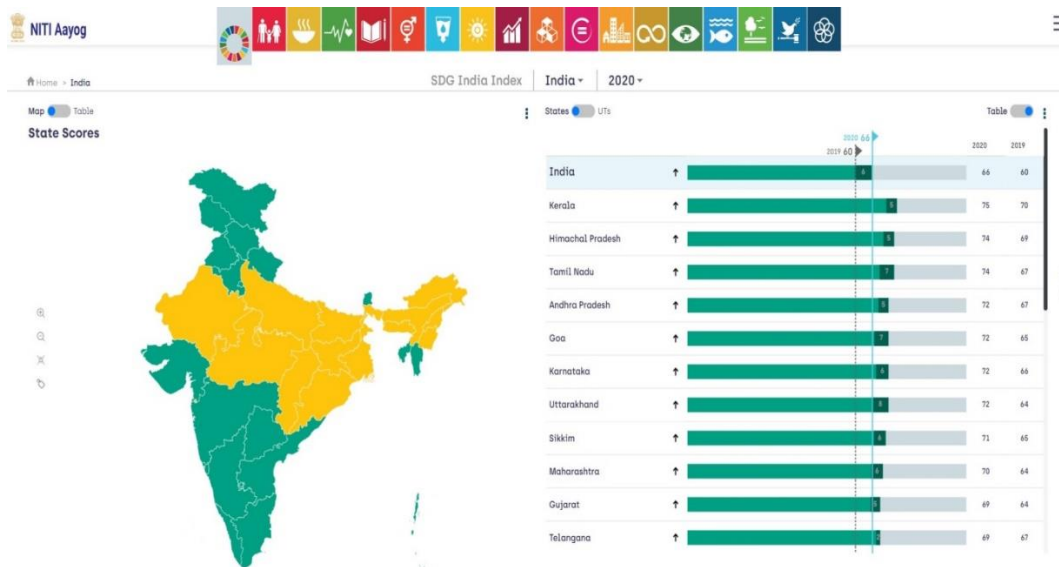


Fig 3: State wise SDG India Index 2020-21

Challenges in Implementation of Sustainable Development Goals in India

The Post-2015 Development Agenda introduced Sustainable Development Goals (SDGs) and India joined the international community in agreeing to adopt these goals in 2015. The SDGs undertook to keep a special focus on “Leave No One Behind” and it included the matters including not just poverty alleviation and hunger reduction but covers the various issues including justice, equality, economic development, and environmental conservation. A United Nations manuscript on SDGs “Transforming Our World: The 2030 Agenda for Sustainable Development, puts forward 17 goals and 169 targets that are universal, integrated and indivisible for the development. At the global level, 300 indicators have been developed for monitoring and reviewing the progress of SDGs.”

Though the participant nations who have agreed to adopt the SDGs are not legally bound but the expectations are that their national governments will take the ownership and assimilate SDGs with their national development policy and raise its own resources, domestically by budgetary allocations or private funding or by savings through curbing illicit financial flows, in order to meet the objectives as targeted for 2030.

Government of India is making attempts to assimilate SDGs with its National Policies and Development Agenda and upgrading its policy charters and prepare specific action plans. These exercises are being undertaken while collecting data, analysing the information to find performance gaps and prepare action plans to achieve the goals. Government has released a strategic policy paper in 2018 for next 6-7 years i.e. till 2023-24 which emphasises on translating the vision into focussed plans which break into action points. “It is a part of National

Development Agenda to review the progress of SDGs for last three years (2017-18 to 2019-20) of the 14th Finance Commission Award period.”

India has designed “a SDG India Index Baseline Report (composite index comprising of 62 indicators across 14 SDGs) and a Dashboard, in partnership with UN in 2018.” This Dashboard evaluates the performance of States and UTs with respect to various SDGs, by ordering on basis of their respective scores on set of SDG indicators.

States along with NITI Aayog have taken steps to create plans for alignment with SDGs, but there are certain constraints which make debilitating effect in removing administrative and institutional inefficiencies. Firstly, when it comes to implementation of measures for achieving SDGs at local level, there is lack of clarity in policy making or budget preparation. Execution and evaluation of strategic measures for achieving SDGs at local and state level lack transparency. Next is the transference of financial resources, delegation and allocation of responsibilities and key representatives to states and districts (as per setting up of “73rd and 74th Constitutional Amendment Act”) which is yet to be achieved. Therefore local level bodies are unable to formulate plans, make budgetary allocations and assign resources in respective domains for achievement of SDGs. NITI Aayog, which is the primary body for management, supervision and execution of plans formulated for achievement of SDGs, is yet to play an instrumental role expected out of it, for removing the constraints and administrative bottlenecks in States for making resources available for them. Thirdly, the government hasn’t been too successful in dealing with the matters and difficulties related to increasing mobilization of resources domestically. Also, “the share of Union Budget expenditure out of GDP had declined from 13.3 per cent in 2014-15 to 13.2 per cent in 2019-20 (Budget Estimates)”. The Covid-19 pandemic has also reduced the government’s scope to mobilise further financial resources and will result in reduction of public spending at the level of State as well. There is a paucity in integration of budget heads and expenditure outlays with SDGs.

It is imperative to resolve the bottlenecks and constraints as stated above in order to align with the action plans for the achievement of SDGs. The government should make requisite changes in its policies and plans, develop new establishments, tweak their development strategies if they want to achieve success in achievement of SDGs. It is essential to augment the finances and strive to improve the per unit cost of services including emoluments to the human resources deployed in this regard. The procurement, proper training and effective deployment of staff is extremely critical for better SDG implementation.

SDG 1 – No Poverty: To achieve this objective it is imperative to have harmonization of efforts and resources between the Union and State Governments where central plans are executed adapting to state-level conditions and constraints. There is a stark difference between the levels of poverty in different states for example comparing Gujarat which has much higher GDP per capita than the central state like Chhattisgarh. Further there is huge variation in urban and rural areas too which pose unique challenge in drafting and executing plans to meet SDG objectives.

SDG 2 – Zero Hunger: It is critical that the augmentation of transport infrastructure and technologies of Supply chain management is achieved to endure development of robust food delivery system which can withstand challenges of climate, wastage and pilferage. It is essential to provide services like farm insurance and subsidies, contract farming and access to markets. Though the Central Government tried to introduce the Farm bill to address these requirements but had to be withdrawn due to political opposition and selected protests by farmers unions.

SDG 3 – Good health and well-being: Accessibility to quality healthcare services is an important measure of the development of any nation. Private healthcare being expensive is usually out of reach of the general public and there is variation in the quality of the services in addition to the cost. Whereas, public healthcare though much cheaper is inadequate to attend the medical requirements of general public especially in the rural areas patients travel distances and wait days and weeks for their turn to get the treatment. Technology can be the panacea to strike a balance between affordable healthcare and uniform quality like telemedicine etc..

Further new hospitals and medical institutions are being developed especially in relatively less developed states and districts at fast pace to achieve this objective. In addition to medical facilities, mindfulness about preventive health care is also necessary like diet, lifestyle, hygiene etc. Governments at various levels have introduced programs to educate public which can play a vital role in improving health outcomes and minimizing stress on healthcare infrastructure.

SDG 5 – Gender Equality: “Female labour force participation in India is declining and currently stands at 17.5 per cent. The ratio is even worse in high level positions where women can really bring about significant change to gender norms.”

Women in India still struggle against the inequalities when it comes to claim ownership of assets and its not surprise that their landholding remains less than 15 per cent.

SDG 9 – Industry, Innovation and Infrastructure: Due to pandemic there has been a fall in India’s GDP growth along with all other nations all over the worlds and widening fiscal deficit has pulled brakes on Government’s capacity to make planned and non-planned expenditure. This has been further convoluted rise in unemployment and fall indomestic consumption.

Although now India has taken vigorous steps to increase its research and development expenditure outlay but there is no denying that in past two decades India has been spending less 0.7 percent of R&D which is abysmally low when compared to the developed or other developing economies.

There is a strong connection between these problems and the goals they pursue. Examples of ways to alleviate poverty include attracting investment and creating jobs, making it possible for items to be transported to work towards zero hunger, and reducing inequities between communities.

India requires assistance if it is to meet the Sustainable Development Goals (SDGs), as evidenced by the fact that hundreds of millions of people remain impoverished on a variety of measures, including income, health, and education.

Conclusion

There is no denying that sustainable development is the way forward. Economic growth, social justice and climate protection can all be achieved through this paradigm. We haven't done a good job of establishing meaningful metrics to track our progress. Defining quality education is a challenge. Official data says that 86% of Indians have access to safe drinking water, but the number of waterborne infections and deaths caused by diarrhoea indicate that this is not the reality. This is due to India's narrow definition of "safe" drinking water, which includes hand pumps and tube wells.

SDG implementation in India is expected to cost \$14.4 billion by 2030, according to a recent report. There will be a substantial financial vacuum if states do not provide a considerable share of their resources to the social sector. Aayog members are wary about taking on such a massive assignment, despite reports that NITI will play an important role in keeping track of progress. Furthermore, in order for it to be a success, it will necessitate ownership at the state and municipal levels.

Keep in mind that, despite the fact that the Sustainable Development Goals (SDGs) set broad objectives, it will be up to national and state governments to determine priorities, formulate policies that are relevant to their regions, harness innovation, and implement and monitor a strategy. Our only hope of ensuring SDGs are truly successful is if we do so.

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