

Chapter 55

Rule of Law: A Fundamental Pillar Enabling Sustainable Development and Reduction of Poverty in India

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ABSTRACT

The world as a whole has developed in the global dimension and has flourished with prosperity. But still one can see the hurdles in the development process. One of such impediments is poverty and the other is the environmental problems. Poverty results in violation of human rights. The rule of law is crucial and is one of the means to strengthen these hurdles. One of such escalation is on the environmental development wherein it strives for achieving sustainable development and eradication of poverty. The rule of law plays a vital role in reducing extreme poverty with emphasizing on human rights. It is the very essence and the core of Good Governance. Without the principles of the rule of law, it will not be enough to achieve sustainable development and eradication of poverty. The rule of law strengthens to provide intense legal framework. It works as an effective mechanism for the enforcement of law. Innovative methods are undertaken to aim in the enforcement of sustainable development and eradication of poverty. The paper implies on effectiveness of the rule of law in providing sustainable development policies. It analyses the legal framework in India that contributes in maintaining economic imbalances. The paper explores the role of Indian Judiciary and the classic Judgments of Supreme Court of India. Keeping in view the importance of sustainable development and eradication of poverty, the paper contributes to explore the significance of the rule of law in achieving the objective of the nation. “Development is one of the primary means of improving the environment for living, or providing food, water, sanitation and shelter, of making the deserts green and the mountains habitable” (Indira Gandhi, 1972).

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1. INTRODUCTION

The environment is a facet of every human activity. It must be protected as there are various threats and barrier. Only through sustainable development, the environment can be protected and preserved for the future generations. In the same way, the poverty, being a major challenge in a global aspect, needs its eradication for the human development. Reduction of poverty, being one of the biggest challenges in the world, is not only a developmental goal but it is an incredible challenge for a country. India is no exception for that. The fundamental precepts of human rights are violated due to poverty. Environmental protection and reduction of poverty are integral aspects of the developmental process. The extent and the depth of poverty may be linked to sustainable development in the same way as environmental degradation. The poverty may have significant repercussions for sustainable development through their linkages with social sustainability (Naushad Ali Azad, 2004). In this perspective, Rule of law, as one of the special features of good governance stand as a pillar for the growth and development of a country. It must be effective to provide conformity and enforcement mechanisms of environmental sustainability policies to achieve sustainable development.

2. PERSPECTIVES OF RULE OF LAW

The governance structure of the country is founded on the principles of democracy, equality and the principles of the rule of law (N.K. Uberoi, 2003). An outlook of A. V. Dicey's evaluation on the principle of rule of law embraces three ideals: 1) the absence of arbitrary and discretionary power on the part of government; 2) every man is subject to the ordinary law of the land administered by the ordinary and usual tribunals; 3) the general principles of law, the common law rules of the constitution. (Dicey, 1915)

The rule of law plays an indispensable role for sustainable development and poverty alleviation since it is the root cause for rapid economic growth. The very essence of the Rule of Law is that everyone is equal before the law and that fair justice must be conferred without fear or favour. It provides deference to constitutional supremacy and upholds human rights. "It is important to emphasize that the absence of arbitrary powers is the first essential of the Rule of Law upon which our whole constitutional system is based. In a system governed by the rule of law, discretion when conferred by upon executive authorities, must be confined within clearly defined limits" (Aeltemesh Rein, Advocate, Supreme Court of India v/s Union Of India And Others).

The rule of law plays a crucial role in sustaining constitutionalism and strengthening democracy in India. Indian democracy has been protected, enhanced and enriched by principles of rule of law (Dr. Singhvi L.M., 2002). It is enshrined in *Article 14* of the Constitution of India that rightly said to be the "basic feature" of the constitution that cannot be destroyed even when amended under *Article 368* of the Constitution. There is a close network between the rule of law, sustainable development and eradication of poverty. Without adherence to the rule of law, there can be no sustainable development. Without the rule of law, there can be no protection and safeguard of human rights. In *Zahira Habibulla H. Sheikh v/s State of Gujarat*, the Supreme Court of India observed that, "the principles of rule of law and due process are closely linked with human rights protection..."

The outcome of the United Nations Conference well known as Earth Summit held in Rio de Janeiro, Brazil on 20-22 June, 2012 focused on the notion of sustainable development and eradication of pov-

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