



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2025 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Revisiting the Right to Development: A Critical Study of its Universality, Inalienability and Legal Realisation within the Indian Constitutional Framework

Raima Roy Chowdhury^a

^aSurendranath Law College, University of Calcutta, Kolkata, India

Received 15 July 2025; Accepted 16 August 2025; Published 19 August 2025

Every human being must engage in, support and take advantage of development in all areas of life, which includes the cultural realm, political, as well as the social and economic realm, of the Declaration of 1986 on the Right to Development as stipulated by the United Nations¹. The Right to Development, which is conceived as a fundamental as well as an inherent right, seeks to bridge the disparity between socioeconomic and civil-political rights by articulating development as a moral and legal constitutional obligation instead of merely an administrative goal. This article seeks to critically revisit the Right to Development, examining its claims to universality and inalienability in theory and practice, with a particular focus on the Indian constitutional framework.² It evaluates whether or not India has effectively integrated and put into practice the Right to Development into its constitutional structure as an advanced nation, and is an active participant in numerous significant international humanitarian instruments. By combining international legal principles with domestic constitutional jurisprudence, this article argues that while India recognises the philosophical and moral legitimacy of this 'Right to Development', its legal understanding remains fragmented as well as inconsistent. Strengthening institutional accountability, integrating socio-economic rights into enforceable mandates, and enhancing participatory governance are crucial steps toward making this Right to Development a lived reality for all citizens.

¹ Declaration on the Right to Development 1986

² Constitution of India 1950

Keywords: *development, legal framework, universality, inalienability, humanitarian instruments.*

INTRODUCTION

In the history of humanity, the notion of Development has consistently been an inherent ideal. With an eye on fulfilling the most basic requirements of impoverished and marginalised communities, it is crucial to alleviate the social and economic conditions and improve the means of living.

Notably, according to the subject matter or perspective point of view, notions like development, growth, progress and modernisation are viewed in distinct ways, each of which shapes the concept distinctly. The intricate issues involved in expounding the meaning and interpretation of development have been succinctly discussed by Seers (1979)³. The prominent approaches to development have been identified as modernisation, radical, positivistic, Marxian, Western, and the Third World. These models have been variably deployed according to the needs, demands, and resources of the nation-state or have been modified following the changes in political or economic structures.

Considering development may result from or arise from modernisation, the causal connection between the two processes is complex and multifaceted. Development is an endless and multidimensional notion, which, based on the circumstances, may encompass economic, political, social, psychological, religious, cognitive and physical parameters. In essence, development necessitates revamping, developing, and reshaping established institutional frameworks to effectively accommodate the shifting demands of society.

THE RIGHT TO DEVELOPMENT: TENET OF HUMANITARIAN RIGHTS

The acknowledgement of development as an inherent human right has two crucial ramifications. First and foremost, all development falls under the umbrella of human rights. Development in this setting entails a lot more than merely raising the gross domestic product (GDP), growth in industrialisation, exports of goods, or generating more employment. Instead, it pertains to a specific methodology that fosters equality and developmental needs,

³ Udo E. Anyaehie et al., 'Profile of Geriatric Trauma in a Developing Country' (2022) 10(9) Journal of Biosciences and Medicines <<https://www.scirp.org/journal/paperinformation.aspx?paperid=119872>> accessed 12 June 2025

which has to be comprehensive to mitigate disparities and ensure an equitable allocation of those perks.

Furthermore, every interested party involved with the implementation of it accepts accountability under this encompassing paradigm of development. It underscores the worth of global partnership, which is an idea backed by an array of international treaties based on human rights that include the Charter of the United Nations⁴ and the United Nations International Bill of Rights⁵.

The global community as a whole, along with individual nations, is governed by obligations as development is acknowledged as a human right. This encircles countries with industrialised economies, large multinational companies, trade associations like the World Trade Organisation (WTO), and global financial institutions, including the World Bank Organisation and the International Monetary Fund (IMF)⁶. It would therefore be anticipated of these nations to do everything in their capacity to help in the accomplishment of this inherent right.⁷

The State is essentially accountable for ensuring the fundamental requirements, such as nourishment, medical care and education, and to investigate whether these are fulfilled since these are perceived as fundamental components of the Right to Development. This obligation encompasses the proactive expanding, promoting, and provisioning of these freedoms either on an individual basis or in conjunction with other non-governmental and global organisations.

RIGHT TO DEVELOPMENT: INTERNATIONAL ASPECT

Development surfaced as a key issue for researchers and decision-makers in the second part of the twentieth century⁸. The United Nations designated the period between 1960 and 1970 as the First and Second Development Decades, respectively, as a response to this global concern⁹. In the United Nations discourse, this Right to Development also came to be identified mainly with the Third World developing countries, who wanted to carve a niche

⁴ Charter of the United Nations 1945

⁵ Universal Declaration of Human Rights 1948

⁶ International Monetary Fund, *World Economic Outlook: Global Uneven Growth* (2024)

⁷ World Trade Organisation, *Annual Report* (2023)

⁸ Michael P Todaro and Stephen C Smith, *Economic Development* (12th edn, Pearson 2017)

⁹ *Ibid*

for themselves in the Cold War politics, asking for a right that would give them a status equal to others in international relations.

World Conference: With enhanced global collaboration, the World Conference formulated an unambiguous vow towards promoting the causes of democracy, advancement and respect for humanitarian rights¹⁰. It underscored the need to set up and support human rights-based organisations, cultivating a diverse and broadening sector of society and shielding marginalised communities. Each nation should examine in crafting national plans of action that comply with such objectives as one of its primary recommendations. The unequivocal affirmation of the global and the innate Right to Development was originally stated in the 1986 Declaration with an emphasis on its prerequisite for complete implementation and awareness, which was a noteworthy outcome of the Conference.¹¹

The 1986 Declaration on the Right to Development: The United Nations overwhelmingly agreed to the 1986 Declaration on the Right to Development, which characterised development as a holistic right that encompasses the complete fulfilment of all rights related to humanity, comprising socioeconomic, political, financial, and cultural rights. It underscored that every person is required to be both an actively involved participant as well as an immediate recipient of this fundamental right, simply because they are the very heart of the development mechanism. To continuously enhance the overall condition of their citizens, the Declaration recommended that States formulate and execute national development plans. Furthermore, it urged the eradication of impediments to advancement which stem from the disdain of economic, political, and social rights.

The Declaration of Rio -

The Rio Declaration is a document that focuses on growth and development, the righteous usage of resources and the elimination of poverty to aid everyone toward a sustainable standard of living. Some of its primary goals involve the following:¹²

- Utilising policies in operation that encourage the production of revenue and stimulate greater community control over the regional assets.

¹⁰ Vienna Declaration and Programme of Action 1993

¹¹ Declaration on the Right to Development 1986

¹² Rio Declaration on Environment and Development 1992

- Establishing encompassing plans to improve the areas of underdevelopment, which include the collection of resources, eliminating poverty, revenue growth, generating employment and sustainable governance of the environment.
- Implementing human resources at the forefront of national development plans with special focus on children, women, and the impoverished in cities and rural areas. Government authorities are being encouraged to recognise community-led initiatives for long-term sustainability, which encourage the advancement of women through reasonable and proactive involvement in decision-making processes.

The Charter of the United Nations: The UN Charter underscores an array of significant interconnections involving Human Rights and Development.¹³ Fostering social advancement and economic growth, furthermore, advocating global adherence to the fundamental human rights and fundamental liberty for everyone, constitutes their primary objectives.

The Universal Declaration of Human Rights: Established in the year 1948, the United Nations' Universal Declaration of Human Rights has been referred to as the Magna Carta of Rights.¹⁴ It serves as an important milestone achieved by the United Nations in advancing the cause of the protection of human rights. It encompasses an extensive spectrum of rights embracing economic as well as social rights, besides political and civil liberties. The Declaration proclaims that every individual, irrespective of their citizenship, has equal, unalienable rights and fundamental dignity.¹⁵

ICCPR and ICESCR 1966: International human rights enforcement made significant improvements in 1966 with the ratification of two landmark international agreements: the International Covenant on Civil and Political Rights (ICCPR)¹⁶ and the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁷. In 1966, both treaties became operational, and the ICCPR has 53 Articles, and Article 1 demonstrates every individual's right to self-determination and guarantees them the power to choose their political structures while working towards their individual economic, social and cultural advancement.¹⁸

¹³ Charter of the United Nations 1945

¹⁴ Universal Declaration of Human Rights 1948

¹⁵ *Ibid*

¹⁶ International Covenant on Civil and Political Rights 1976

¹⁷ International Covenant on Economic, Social and Cultural Rights 1976

¹⁸ International Covenant on Civil and Political Rights 1976, art 19

The ICESCR, composed of 31 Articles in total, supports this fundamental right in Article 1 as well. A person's fundamental right to have an appropriate standard of living, by encompassing access to adequate food, housing, clothing and freedom from starvation, is made explicit in Article 2 of ICESCR.¹⁹ The significance of education is highlighted in Article 13, and it calls for the adoption of compulsory and free primary education.²⁰ When viewed as a whole unit, these rights - civil, social, economic and political and the right to development - can be regarded as interconnected components of a more extensive human right which is the right to enjoyment.

The 1993 Vienna Declaration: A global resolution affirming the fundamental Right to Development as an inherent right of an individual was made official by the Vienna Declaration of 1993²¹. It underscored how nations must work together to foster development and eradicate impediments to it.²² To fully embrace this fundamental right, the Declaration further exhorted the global community to take measures to encourage and strengthen global cooperation.

Development is viewed as an ongoing process aimed at achieving a specific goal. The goal is far greater than just economic expansion or poverty eradication for a nation like ours. It also entails developing and upholding a democratic system that respects and defends human rights. In essence, the primary objective of development is to enhance an individual's standard of living while upholding social justice principles. To accomplish the aforementioned, meticulous and constant planning must be undertaken to match the aim with available resources.

A holistic methodology for human development should involve several crucial phases, which are as follows:

- Firstly, it is essential to ensure rapid and enduring economic growth that actively includes disadvantaged communities and works to lessen social and economic disparities.

¹⁹ International Covenant on Economic, Social and Cultural Rights 1976, art 2

²⁰ International Covenant on Economic, Social and Cultural Rights 1976, art 13

²¹ Vienna Declaration and Programme of Action 1993

²² Declaration on the Right to Development 1986

- Secondly, empowering the poor by enabling their meaningful involvement in governance and local decision-making processes is vital.
- Another crucial aspect is minimising people's exposure to hardships caused by economic instability, health crises, natural calamities, and violence.
- Equally important is investing in citizens by guaranteeing access to quality education, healthcare, and foundational public services.
- In addition, fostering equality between men and women and eliminating all kinds of bias and exclusion in society are necessary for inclusive progress.
- Strong collaboration between the government, civil society, and global organisations is also important for achieving shared goals.
- Lastly, encouraging transparent public dialogue about developmental aims and the strategies to realise them helps ensure accountability and shared responsibility.

MULTIPLE FACETS OF DEVELOPMENT

It is becoming progressively clearer in contemporary times that development embraces much more than solely economic advancement. Real progress has multiple dimensions and includes advancement in society and politics in addition to material or financial benefits. Community integration is a crucial component of this, and a society cannot construct the framework needed to foster long-term development if its inhabitants do not have a sense of cohesiveness and unity among themselves. Therefore, social solidarity and cohesion are essential to any all-encompassing development process.

Economic Advancement in Western Nations: During the second decade of the twentieth century, economic growth in the former territories started to take effect. The Western Nations, on the contrary, commenced with their economic transition path considerably earlier, especially with the onset of the Industrial Revolution.²³ Between the middle of the eighteenth and the beginning of the nineteenth century, Britain initiated this transition, transitioning its ancient agriculture-based economy into a modern industrialised one.²⁴ An influx of technological advancements that displaced manual labour with technological

²³ UN Department of Economic and Social Affairs, *World Economic Survey 1967: The Problems and Policies of Economic Development* (1968)

²⁴ Roderick Floud et al., *The Cambridge Economic History of Modern Britain* (CUP 2014)

advances, substantially boosting productivity and redefining the social and economic structure, constituted the catalyst behind this paradigm shift.

Other European nations went through similar industrial transformations following Britain. The Western Model was profoundly moulded through individual entrepreneurs as opposed to the structured State-led patterns of development that were subsequently discovered in several parts of the world.²⁵ Due to the lack of any direct official participation, these private individuals pushed away the advancements and were propelled more by their financial ambitions rather than the collective goals. The notion that the most effective governance is that which governs the least was the prevailing view then, and it was based on minimal intervention from the government.

Malthusian Theory: Thomas Malthus's Theory pinpointed the exaggerated increase between population and production as a primary impediment to development, and he discovered that populations expand exponentially while the means of production expand gradually and he emphasized that the available assets have become severely limited as a result of this worsening gap, so natural disasters, including pandemics, scarcity of food, and widespread diseases, would inevitably redress this disparity unless effective demographic restrictions have been established.²⁶

Harrod-Domar Equation: To better understand the drivers of economic development, a more precise theoretical framework was necessary which was addressed through the Harrod-Domar model, which introduced a basic equation: $g = I/C$, where g represents the economic growth rate, I denotes the level of investment, and C stands for the capital-output ratio and the model assumes that C remains constant for a given economy at a specific time.²⁷ According to this theory, the rate of growth is directly influenced by investment levels, which in turn are determined by the volume of savings.

Role of Technology: According to historical research by Simon Kuznets (1959), technological advancement plays a role in economic development that is equally significant as capital investment, and capital on its own would be ineffective without progress in technology²⁸. A

²⁵ Joseph A Schumpeter, *Capitalism, Socialism and Democracy* (Harper & Brothers 1942)

²⁶ Thomas Robert Malthus, *An Essay on the Principle of Population* (Electronic Scholarly Publishing 1998)

²⁷ Roy Harrod, *Towards a Dynamic Economics* (Palgrave Macmillan 1948)

²⁸ Simon Kuznets, *Six Lectures on Economic Growth* (Free Press 1959)

prime example of this is Japan, which advanced rapidly by efficiently adopting and applying Western technological innovations.

Role of Manpower: Ragnar Nurkse (1960) emphasized that while developing nations often face a scarcity of financial capital, they generally possess a surplus of human resources and when these manpower reserves are directed toward productive activities, they can contribute to the creation of essential infrastructure and services, such as basic dams, rural pathways, and community welfare initiatives, thereby generating capital through labor-intensive efforts.²⁹

THE CONSTITUTION AND DEVELOPMENT

The fundamentals and liberties contained in the Preamble of our Constitution lay forth the fundamental ideals and privileges that the Indian people desire to establish for themselves. With their innovative objectives in mind, the drafters of the Indian Constitution strove to establish a system of democracy that could effectively accomplish the ideals of equality, justice, liberty, and fraternity. Although such objectives are explicitly stated in the Preamble, the following measures have been designed to assist in making those objectives feasible.

The Indian Constitution's Part III outlines the basic privileges, that is, the 'Fundamental Rights', which every person is entitled to. Notwithstanding the absence of the expression 'Right to Development' in these Articles, its actual meaning may be observed in several important clauses, particularly in Articles 14, 15, 16, 17, 19, 21A, 23, and 29³⁰. Collectively, these Rights preserve the Right to Education, guarantee protection from discrimination, and advocate the preservation of human dignity and cultural identity, all of which are the foundations of developmental justice.

The Directive Principles of State Policy, on the other hand, are outlined in Part IV of the Indian Constitution³¹ and provide the Government with directions to formulate social and economic policies that boost people's standard of living in general. These ideals encourage the government to take proactive measures to foster economic justice and general welfare. More specifically, Articles 39, 41, 42, 45, and 46³² outline principles which include fair

²⁹ Ragnar Nurkse, *Problems of Capital Formation in Underdeveloped Countries* (OUP 1967)

³⁰ Constitution of India 1950, arts 14-17, 19, 21A, 23 and 29

³¹ Constitution of India 1950, pt IV

³² Constitution of India 1950, arts 39, 41, 42, 45-46

resource allocation, the education and care of young children, and improving the conditions of the communities in need. When regarded as a whole, these provisions of the Constitution demonstrate how the State steers the Nation toward an inclusive and sustainable development.

It is crucial to acknowledge that everyone is entitled to the Right to Development, which involves access to the necessities of survival that include enough food, shelter, medical care, education, work, and an appropriate, nutritious diet. Every Government has a legal duty to defend and promote these vital necessities for humans. According to this standpoint, the 'Right to Development' lies within the broad umbrella of 'Social rights', which are those that ensure people have access to the essentials necessary for maintaining a life of dignity. These privileges, which represent the bedrock of a democratic and equitable society, are theoretically associated with the notion of 'basic entitlements' and symbolise essential life claims.

ROLE OF JUDICIARY AND RIGHT TO DEVELOPMENT

The Indian Judiciary has been increasingly impacted by the global standards for the rights of its citizens while evaluating the purview and implementation of the Fundamental Rights. A specific provision in the Constitution urges the State to safeguard and promote acceptance of the international legal standards and obligations imposed by treaties.

In an array of significant decisions, the Indian Judiciary has acknowledged and sustained the 'Right to Development' in compliance with this democratic vision, strengthening its position within the broader structure of constitutional rights.

In *C. Masilamani v Idol of Sri Swaminathaswamy*,³³ the Supreme Court in this case highlighted the vitality of safeguarding equality and dignity while analysing Section 30 of the Hindu Succession Act 1956³⁴, reflecting on an array of international human rights instruments. The Court emphasised that the State should establish circumstances which allow women to effectively utilise their constitutional entitlements to both social and cultural development as well as financial independence. This interpretation demonstrates a

³³ *C. Masilamani & Ors v The Idol of Sri Swaminathaswami Thirukoil & Ors* (1996) 2 SCALE 664

³⁴ Hindu Succession Act 1956, s 30

commitment to aligning regional laws with broader, globally accepted standards, thereby fostering inclusive growth and gender justice.

In *Air India Statutory Corporation v United Labour Union*³⁵, it was pointed out that the notion of social justice incorporates an array of fundamental principles necessary for guaranteeing a structured and extensive growth of every individual's personality and capabilities in society.

In *Samatha v State of Andhra Pradesh*³⁶, the Supreme Court acknowledged that the tenets of the UN's Declaration on the Right to Development, which India endorsed, have become a crucial component of fundamental human rights. Building on this Declaration, its fundamental principles are correlated to the Directive Principles of State Policy and stressed that India, as a devoted member of the international community, ought to prioritise the welfare of its people, notably the marginalised groups that include the poor, Dalits and tribal communities, in both legislative and executive policies. According to the Court, this obligation in question stems from the constitutional requirement of Article 46³⁷ and should be construed in a manner that aligns with Article 21³⁸, which guarantees the Right to Life.

In *Vellore Citizens Welfare Forum v Union of India*,³⁹ Justice Kuldeep Singh refuted the antiquated notion that development and environmental preservation have no mutually exclusive principles. He reiterated that in the present setting, such an outlook is no longer viable. The Court acknowledged that to balance ecological protection with advancement, sustainable development is a vital framework. Furthermore, it was pointed out that this methodological approach to development is founded on important environmental principles, which include the Polluter Pays Principle and the Precautionary Principle, which guarantee that environmental degradation cannot take place as a result of further development.

In *People's Union for Civil Liberties v Union of India*,⁴⁰ despite the nation's bountiful food supplies, there were many instances of people dying from malnutrition as a result of drought

³⁵ *Air India Statutory Corporation v United Labour Union* AIR 1997 SC 645

³⁶ *Samatha v State of Andhra Pradesh* (1997) 8 SCC 191

³⁷ Constitution of India 1950, art 46

³⁸ Constitution of India 1950, art 21

³⁹ *Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647

⁴⁰ *People's Union for Civil Liberties v Union of India* (2003) 4 SCC 399

in regions like Rajasthan, Odisha, and Madhya Pradesh. This prompted an appeal to the Supreme Court. The Court upheld in its ruling that the Right to food and broadly, the Right to Development is encompassed in the Right to Life, which is safeguarded by Article 21 of the Indian Constitution⁴¹.

In *Mohini Jain v State of Karnataka*⁴² and in *Unni Krishnan v State of Andhra Pradesh*⁴³, the Courts acknowledged and affirmed that obtaining access to basic education is a fundamental right protected by the Indian Constitution as well as a necessity.

In *Consumer Education & Research Centre v Union of India*⁴⁴, the Supreme Court clarified for the very first time that the Right to Health is an inherent and fundamental component of the Right to Life.

RIGHT TO DEVELOPMENT: INDIAN PERSPECTIVE

Within months of achieving Independence in 1950, India commenced its path toward strict economic growth with a resolute determination to raise the standard of living for its citizens. The entire country implemented an explicit plan for boosting the political, social, and economic circumstances of its citizens. The entire country executed an explicit approach for boosting the economic, political, and social conditions of its citizens. The aforementioned approach embraced an interdisciplinary model of development, embracing features from a socialist system and capitalism in the West.

India has worked towards development throughout the seventy years since Independence and an array of five-year plans, each underpinned by yearly objectives that comply with the national economic system, and Pandit Jawaharlal Nehru became the chairperson of the Planning Commission, which was founded in March 1950⁴⁵. The nation last operated under the Twelfth Five-Year Plan, which was dissolved in 2017 and was replaced by the Indian Government's NITI Aayog.⁴⁶

⁴¹ The Constitution of India 1950, art 21

⁴² *Mohini Jain v State of Karnataka* (1992) 3 SCC 666

⁴³ *Unni Krishnan J P v State of Andhra Pradesh* (1993) 1 SCC 645

⁴⁴ *Consumer Education & Research Centre v Union of India* (1995) 3 SCC 42

⁴⁵ 'History' (*Planning Commission*) <<http://164.100.161.239/aboutus/history/>> accessed 17 June 2025

⁴⁶ Ministry of Statistics and Programme Implementation, *Statistical Year Book, India* (2014)

First Five-Year Plan: It commenced on 1st of April, 1951, and laid down the foundation of development in India. The model of the First Plan was adopted from Harrod-Domar, which was followed in 1928 by Soviet Russia. The Planning had a two-fold objective:

- To identify the economic disparities imposed by the outbreak of World War II and the fragmentation witnessed in the country.
- It attempted to ensure an increase in national revenue using equitable growth at every stage.

Second Five-Year Plan (1956-1961): At the onset of the Second Plan, Industrial Policy, 1956, was announced. The public sector was given more priority than the private sector. Industries were given more priority than agriculture.

Third Five-Year Plan (1961-1966): It aimed to strengthen the agricultural economy, develop industry, power, and transport, achieve marked progress towards equality of opportunity and the socialist structure of society and to provide employment for the entire labour force.

Fourth Five-Year Plan (1969-1974): The reduction in agricultural production was witnessed during this phase, and the population grew, and unemployment rose.

Fifth Five-Year Plan (1974-1979): The main target of this Plan was to eliminate poverty, and the government gave a new slogan, Garibi Hatao. It also aimed to reduce population growth and to remove unemployment.

Sixth Five-Year Plan (1980-81 to 1984- 85): Its objectives were to raise the national income; to enhance the standard of living for all the people; to promote balanced regional development; to distribute the surplus income to the poor; and to reduce inequalities of income, wealth, etc.

Seventh Five-Year Plan (1985-1990): Debts, interests, defence, public sector, etc., affected the targets of the Seventh Plan. The performance of the private sector was most disappointing, though it was given the highest priority.

Eighth Five-Year Plan (1992-1997): The main goal of the plan was to eliminate illiteracy among the 15- to 35-year-old age group, establish primary health centres, provide safe

drinking water and electricity to all villages, fully utilise human resources, and address unemployment issues, among other objectives.

Ninth Five-Year Plan (1997-2002): The main objectives were to achieve the following targets per annum, which include GDP growth rate, export growth rate, boosting of agricultural development, etc.

Tenth Five-Year Plan (2002-2007): An increased annual growth rate of GDP was the ultimate objective of this particular plan. Along with that, it tackled disparities among regions, lowered poverty rates and generated employment possibilities.

Eleventh Five-Year Plan (2007-2012): This Plan prioritised speedy growth by promoting environment-friendly development and inclusion within society. With specific objectives for industrial betterment and service, along with the agricultural sector, it attempted to improve the pace of GDP growth. The campaign also aimed to improve the availability of safe drinking water and eliminate gender disparities. Efforts were implemented to execute the Right to Education Act, expand the availability of technological education, and enhance higher education enrollment⁴⁷.

Twelfth Five-Year Plan (2012- 2017): It aimed to boost employment opportunities, reduce poverty and enhance infrastructure. Boosting investment in infrastructure, eliminating sector obstacles, and enhancing the overall standard of living were the key goals of the plan.

Thus, we can say that India's outlook towards development as a whole has tried to combine the economic, technological, human and institutional arenas.

CRITICAL ANALYSIS

Planning in India has certain demerits:

Bureaucracy: Preparation and implementation of Indian Planning are mainly in the hands of the Bureaucracy. Red Tape is common in India. Hence, all the Five-Year Plans could not achieve their complete targets.

⁴⁷ *Ibid*

Public Sector: Since the First Plan to the Twelfth Plan, the Central Government adhered to the principle of a mixed economy and preferred the public sector. The main reason for the failure of the Plans is the Public Sector.

Education: No country will develop without education. The ruling parties allotted meagre allotments for education.

Agriculture: In India, the development in agricultural production has not helped to enhance the export of food grains. Whenever the monsoon fails, the Government imports food grains.

Poverty, Population and Unemployment: Poverty remained as it was. Population growth could not be stopped, and the unemployment problem was not solved; moreover, it increased more and more.

SUGGESTIONS

The following are some suggestions that have been put forward to enhance the implementation of the Right to Development within the legal and constitutional framework of India:

Inclusiveness: Traditional, rural and tribal communities should not be evicted or excluded from society according to the theories of development. The most disadvantaged can be lifted through genuine advancement without making them compromise their standard of living or their cultural heritage.

Independence from External Influences: To increase consciousness and argue for accountability, the private sectors, researchers, and grassroots organisations should actively highlight and challenge the systems that hinder equitable progress and encroach on basic fundamental rights.

Reconsidering the Structures: To promote equality, dignity and justice, the key objective of development policy-makers should be to make a significant change in the constitutional and normative structures that pertain to human rights and development.

Participatory Measures: To ensure that the regional and vulnerable communities are genuinely engaged with the procedures for making decisions for developmental initiatives, participatory measures should be put in place.

Assessment of the Initiatives: Legal audits should be mandated to be carried out for all major development schemes in order to assess their influence on the local populations and on the social and economic rights before implementation.

Education for Awareness: Education based on human rights and development should be included in the academic curriculum to foster the spirit of accountable citizenship and long-term consciousness.

Flexibility: All information relating to developmental projects should be made readily accessible to the general public, and this information should be evaluated by organisations in an unbiased way.

Additional Possibilities: Rather than adopting Western capitalist theories, an innovative, independent structure for development should be envisaged based on past experiences and the socioeconomic realities of the developing nations of the world.

CONCLUDING REMARKS

The rights of humanity, inclusive development, and democratic governance mutually overlap with the right to development. Even though it is undoubtedly accepted as a universal and inalienable right in legal frameworks worldwide, national jurisdictions – especially India continue to only partly and sporadically transform this acceptance into effective laws and regulations. Based on this study, there is an apparent disagreement between the literary understanding and the real-life execution of the Right to Development, as outlined in the Indian Constitution. Structure acknowledges several goals and principles contained within it, which include equitable treatment, equality and the progress of communities with limited opportunities.

The basis for accomplishing development as an inherent right is established by the Indian Constitution through its provisions, which are protected by welfare policies and the interpretations of the courts. However, this right often feels visionary instead of operational due to the failure to establish an explicit constitutional mandate or enforceable status. To bridge this gap, the institutional frameworks need to be reconstructed to guarantee that social and economic rights and freedoms have been protected with the same intensity as political

and civil rights and freedoms, along with the goals of the legislature and the confirmations of the judiciary.

Heading forward, much more than mere modest assurances are necessary to incorporate the Right to Development within India's constitutional and administrative system. It advocates for the comprehensive development of policies, enforceable statutes and a collaborative development structure which promotes impartiality above simple economic growth. Only then can development as a universal, inalienable and indivisible right be accomplished in spirit and letter for all the citizens of India.