CHAPTER VI
THIRD GENERATION HUMAN RIGHTS AND THE CONSTITUTION OF INDIA

Following the three watchwords of the French Revolution: ‘Liberty’, ‘Equality’ and ‘Fraternity’ Karel Vasak an eminent Czech jurist classified Human Rights into three divisions in 1979 at the International Institute of Human Rights in Strasbourg. Vasak’s theories have primarily taken root in European law, as they primarily reflect European values.

While the first and second generation human rights have been adequately covered in the IBR, Third Generation Human Rights found expression in subsequent documents of international law, like the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment, the 1986 Declaration on the Right to Development, the 1992 Rio Declaration on Environment and Development, and other pieces of generally “aspirational soft law”.

Also known as ‘group rights’, ‘solidarity rights’ or ‘collective rights’, third generation rights also encompass right to self-determination; Right to development, economic and social; Right to a healthy environment; Right to natural resources; Right to information; Right to participation in cultural heritage; Rights to intergenerational equity and sustainability and Minority rights.

Of these, the right to self-determination forms common Article 1 of the ICCPR and ICESCR. Common Article 1(1) declares that all peoples have the right of self-determination. The term ‘peoples’ is wider than the term ‘citizens’ and apart from citizens, also include people residing in territories that have not yet become independent and further includes people residing in non self governing territories. All peoples by virtue of the right of self determination have the right to freely determine their political status and freely pursue their economic, social and cultural development thus affording an opportunity to people residing in territories engaged in freedom struggle also to aspire for the right of self determination. Further all peoples have the right to freely dispose of their natural wealth and resources without prejudice to
any obligation arising out of international economic co-operation, based on the principle of mutual benefit and international law. What is more, under no circumstance can people be deprived of their own means of subsistence.\textsuperscript{416-417} Article 1(3) exhorts State Parties having the responsibility for the administration of Non-Self Governing and Trust territories, to promote the realization of the right of self-determination and to respect that right in conformity with the provisions of the UN Charter. However the implementation of these rights is considered to be onerous given the ‘principle of sovereignty and the preponderance of would-be offender nations’.\textsuperscript{418}

The Government of India at the time of ratifying the ICCPR and ICESCR made a specific reservation to the effect that with respect to both the Covenants, ‘the Government of the Republic of India declares that the words the right of self determination appearing in Common Article 1 will apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation- which is the essence of national integrity’. The right of self determination as set out in Article 1 to people residing in Independent Countries was not recognised for the Government of India feared that this would encourage secessionist tendencies and be detrimental to the unity and integrity of a nation.

RIGHT TO INFORMATION:

Right to information is an integral part of the right to freedom of opinion and expression enshrined in Article 19 of the UDHR which states clearly that this right includes ‘freedom to receive and impart information and ideas through any media and regardless of frontiers’. The same sentiment is echoed in Article 19(2) of the ICCPR which further adds that the information received or imparted may be oral or in writing or in print, in the form of art or through any other media of choice.

\textsuperscript{416} Refer Article 1(2) of ICCPR and ICESCR.  
\textsuperscript{418} Refer ‘Three generations of Human Rights’: en.wikipedia.org/wiki/Three_generations_of_human_rights
In India, in 1975 the Supreme Court of India delivered the landmark judgment on citizen's right to know in State of U.P. v. Raj Narain. The Supreme Court held that access to news and information regarding the administration of the government is included in the freedom of press.

In India, The right to information Act 2005 enables citizens of the country to have access to records of the Central Government and State Governments. The Act applies to all States and Union Territories of India, except the State of Jammu and Kashmir - which is covered under a State-level law.

RIGHT TO DEVELOPMENT:

Article 56 of the UN Charter commits all member states to take 'joint and separate action in co-operation' with the UN for the achievement of purposes identified in Article 55, which includes human rights, higher standard of living and conditions of economic and social progress and development. Similarly Article 28 of the UDHR provides that everyone is entitled to a social and economic order in which the rights and freedoms set forth in the Declaration can be fully realized. These provisions, although expressed at a level of broad generality, have often been invoked by those who posit the existence of broad international 'duty to co-operate' or a 'right to solidarity'. Since 1977 much of this debate has been pursued within the field of human rights under the rubric of 'the right to development'. The Declaration on the Right to Development was adopted by the United Nations in 1986 by an overwhelming majority, with the United States casting the single dissenting vote.

A new consensus finally emerged in Vienna at the Second UN World Conference on Human Rights in 1993 when the Declaration adopted during this Conference reaffirmed that "the right to development, as established in the

---

419 State of U.P. v. Raj Narain, AIR 1975 SC 865
422 vide resolution 4/128 on December 4, 1986. Article 1(1) of the Declaration stated that "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in and contribute to and enjoy economic, social, cultural, and political development in which all human rights and fundamental freedoms can be fully realized."
Declaration on the Right to Development is a universal and inalienable right and an integral part of fundamental human rights. This sophisticated debate on development was fuelled in the nineties 'partly by the failure of the old development models and partly by the realisation that notions of good governance, participation, accountability and transparency inevitably had human rights dimensions' that had to be adequately addressed. The need to relate human rights more closely to development was taken up by the Human Development Report of 2000.

Amartya Sen, an influential contributor to this debate argues that freedom should be seen as both the ends and means of development and considers the following types of instrumental freedoms—(1) political freedoms, (2) economic facilities, (3) social opportunities, (4) transparency guarantees, and (5) protective security. In 2003, the Office of the High Commissioner for Human Rights, the UN Development Programme and a range of other UN agencies, funds and programmes met to adopt an agreed position on human rights-based approaches to development cooperation (‘HRBA’) and drafted a ‘Common Understanding’.

Though there is no express provision on the right to development in the Constitution, Courts have played a pivotal role in interpreting this right by 'reading international norms in to local setting' and by recognizing that development must be 'human centric'.

SUSTAINABLE DEVELOPMENT:

The concept of Sustainable development at the international level was discussed initially in the 1972 Stockholm declaration and given a definite shape and clarity in the Report of the World Commission on Environment, titled 'our common future'. The report defined Sustainable development as “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs The concept was elaborated on in Agenda 21, a resulting

---


While striving to strike a balance between the Right to Development and the Right to Environment and in dealing with the infrastructural projects and the related policy issues the Supreme Court, in India, has relied on various international norms like the principle of Inter-Generational Equity,\textsuperscript{425} Precautionary Principle\textsuperscript{426} and the Polluter Pays Principle.

The principle of Inter-Generational Equity was recognized by the Supreme Court of India in the \textit{M.C. Mehta v. Union of India (Taj Trapezium case)}\textsuperscript{427} and in \textit{State of Himachal Pradesh v. Ganesh Wood Products},\textsuperscript{428} where the Apex Court invalidated forest-based industry, recognizing the principle of inter-generational equity as being central to the conservation of forest resources and sustainable development.

In the case of \textit{Vellore Citizen Welfare Forum vs. Union of India},\textsuperscript{429} the Supreme Court through Justice Kuldip Singh declared that "...the precautionary principle and the polluter pays principle are part of the environmental law of the country" and held that precautionary principle includes the following:

1) Environmental measures by the state government and the local authority must anticipate, prevent and attack the causes of environmental degradation.

\textsuperscript{425} This Principle refers to the right of every generation to derive the benefit of natural resources and is enshrined in Principle 3 of the Rio declaration that states that: "The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations."

\textsuperscript{426} Principle 15 the Rio declaration states that: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

\textsuperscript{427} AIR 1997 SC 734

\textsuperscript{428} Refer AIR 1996 SC 149. The Court also noted in \textit{Indian Council for Enviro-Legal Action v. Union of India (CRZ Notification case)} that the principle would be violated if there were a substantial adverse ecological effect caused by industry. Refer (1996) 5 SCC 281

\textsuperscript{429} AIR 1996 SC 2715.
2) Where there are threats of serious and irreversible damage, lack of scientific certainty ought not used as a reason for postponing measures to prevent environmental degradation.

3) The 'onus of proof' is on the actor or the developer to prove that his action is environmentally benign.

Justice Kuldip Singh further opined that even otherwise these principles could be read into the law of the land by applying the doctrine of harmonious construction. While delivering his judgment Justice Kuldip Singh added, "the traditional concept that development and ecology are opposed to each other is no longer acceptable; 'Sustainable Development' is the answer."

Affirming the need for Judicial Activism, Justice D.M. Dharmadhikari comments: "Under the constitutional scheme, it is the duty of the executive to fill the vacuum of the legislature by executive orders because its field is coterminous with that of the legislature and where there is inaction even by the executive for whatever reasons, the judiciary must step in, in exercise of its constitutional obligations to provide a solution till such time as the legislature acts to perform its role by enacting proper legislation to cover the field".

One of the earliest cases in which the Supreme Court had to deal with the question of the Development versus Environment was Rural Litigation and Entitlement Kendra. Dehradun v. State of U.P where the Court ordered the stopping of mining work owing to illegal and unauthorized mining that caused in its wake ecological imbalance and environmental disturbance. The court declared that "it is always to be remembered that these are permanent assets and not to be exhausted in one generation". While banning further mining activity, the Court observed: "This would undoubtedly cause hardship...but it is a price that has to be paid for protecting and safeguarding the right of the people to live in healthy environment with minimal disturbance of ecological balance and without avoidable hazard to them and to their

430 The doctrine implies that the customary international laws not in conflict with the domestic law shall be deemed to be the part of the domestic law.
cattle, homes and agricultural land and undue affection of air, water and environment."

Earlier in *M.C. Mehta v. Union of India* the Supreme Court had indirectly dealt with question of Sustainable development and held that 'Life, public health and ecology has priority over unemployment and loss of revenue problem.433

In *T.N Godavaraman Thirumalpad v. Union of India* the Supreme Court reiterated the stand taken in the Vellore case and has declared that the precautionary and sustainable development principles are two salutary principles that govern the law of the environment.

In *N.D Jayal v Union of India*, the Supreme Court declared that 'the adherence to sustainable development is a *sine qua non* for the maintenance of symbiotic balance between the right to development and development’ This concept the Court declared is an integral part of life under Article 21.

**DEVELOPMENT OF THE ABSOLUTE LIABILITY PRINCIPLE:**

In the case of *M.C.Metha v. Union of India*434 (aka Oleum gas leakage case) Justice Bhagwati propounded the Principle of Absolute Liability which replaced the Doctrine of strict liability enunciated in *Rylands v.Fletcher*435 . Justice Bhagawati held that while strict liability rule evolved in the 19th century “law has to grow in order to satisfy the need of the fast -changing society and keep abreast of the economic developments taking place in the country”. He added, “we no longer need the crutches of a foreign legal order… we in India, cannot hold back our hands and I venture to evolve new principles of liability which English courts have not done”.

---

433 (1987) 4 SCC 463 at p. 482, para 22
434 (1986) 2 SCC 176
435 (1868)LR 3 HL 330
The components of the absolute liability may be identified as follows:

1) It applies to an enterprise that is engaged in inherently dangerous or hazardous activity.

2) The duty of care is absolute.

3) The exception to the strict liability developed in the Rylands v. Fletcher is not applicable.

4) The liability is on the enterprise rather than on the company (a point well taken from the Bhopal gas tragedy)

5) The larger and the greater the industry, greater should be the compensation payable.

The transition from the strict liability to absolute liability has been regarded by environmentalists and jurists as an example of the “constitutionalization of the tort law.”

Subsequent developments point to the view that even private entities are not excluded from liability for infringement of fundamental rights. The German jurisprudence of ‘Drittwirkung’ (that fundamental rights apply horizontally between the private entities as well as vertically between state and citizen) can be referred here for the clarity of the path of the development. An epitome of this is the Consumer Education and Research Center v. Union of India where the Supreme Court ordered several asbestos mines and industries in the private sector to pay compensation to any worker certified by the National Institute of Occupational Health to be suffering from asbestosis. Thus in India, the Principle of Absolute Liability has come to stay.

With the 42nd Amendment Act to the Constitution of India, Article 48A was inserted in PART IV of the Constitution and provided for the ‘Protection and

---

*Many authors have expressed this concept see P.Leelakrishnan, *Environmental Law in India*, Butterworths Indian, New Delhi (1999) and also Soli.J.Sorabjee(Ed),*Law and Justice -An anthology*, Universal Law Publishing Company,New Delhi(2003)  
*AIR 1995 SC 992.*
improvement of environment and safeguarding of forests and wildlife’. A corresponding duty to protect the environment found place in the newly inserted PART IVA of the Constitution by virtue of the same Amendment Act wherein Article 51A (g) states that “It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;”

Though in the seventies and early eighties the judiciary adopted a ‘hands off’ approach to administrative decisions in environmental questions (The Silent Valley case is a classic example) in the decades thereafter a tide of judicial activism came to fore. This era witnessed the right to a clean environment being upheld in numerous cases as a fundamental right by the Supreme Court by declaring that it is implicit in the right to life. However in Subhash Kumar v. State of Bihar and in Chetriya Pardushan Mukti Sangh Samiti v State of UP, the Court even while admitting that the ‘Right to live is a fundamental right under Article 21 of the Constitution’ and ‘includes the right of enjoyment of pollution-free water and air for full enjoyment of life and that if anything endangers or impairs that quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the Constitution’, declared that a Public Interest Litigation (PIL) if filed to ‘feed fat ancient grudge and enmity’ should not only be refused but be strongly discouraged. In M.C. Mehta v Kamal Nath the Court held that environmental pollution is a tort against the community and upheld the polluter pays Principle. In Ratlam, the Court looked at environmental degradation from the point of view ‘public nuisance’ and in holding that the Municipality cannot be absolved of liability to provide basic amenities to protect the environment of the local residents through its decision echoed the international norm of ‘minimum core content’ of ESC Rights. In Jagannath the irreparable environmental damage and danger to the coastal farm lands through the hasty conversion of mangroves and paddy fields to shrimp farms and its attendant negative

439 AIR 1990 SC 2060.
441 Under Section 133 of CrPC
social consequences led to the filing of a landmark PIL in 1996 by Shri S Jagannathan, Chairman, Tamil Nadu Gram Swaraj Movement, under Article 32 of the Constitution of India that culminated in a Supreme Court decision banning non-traditional shrimp aquaculture in India's coastal zone in 1996 besides directing the carving of domestic legislation on Aquaculture. In *M.C.Mehta v Union of India* The Supreme Court issued directives to make environmental education mandatory in schools and colleges in the country and declared that environmental awareness was the need of the hour.

Never the less the deferential and hands off approach of the judiciary towards executive wisdom in designing and implementing development projects has raised its head on different occasions and dampened the spirit of judicial activism. In *Sachidananda Pandey v State of West Bengal* for instance the Supreme Court refrained from interfering with a proposal for a five Star Hotel near a zoological garden that was challenged on the ground that the hotel would disturb the migrant birds visiting the area. In *Dahanu Taluka v Bombay SE Supply Co* while approving a decision to locate a thermal power station in an ecologically sensitive area within 25 kilometers of the forest, the Court said in 1991;

> We are not concerned with the question whether the decision taken is right or wrong; the question is whether it has been taken after consideration of all relevant aspect.\(^443\)

This unwillingness to interfere with policy decisions perhaps stems from the fact that Courts frown on judicial activism taking the hue of judicial adventurism and may have in many cases recognised the need for facilities to develop an otherwise backward area. It is perhaps this consideration that prompted the Kerala High Court to approve the *Silent Valley Project* despite the preponderance of evidence of ecological imbalance likely to be caused by the construction of a hydro electric project designed to be located by clearing a virgin forest so rich in its diversity and the Apex court to approve the raising of the height of the *Tehri Dam Project* in a seismic prone area.

\(^442\) AIR1992 SC 382

\(^443\) For more refer ( 1991) II SCC 539-544.
This lack of uniform approach adopted by the judiciary the researcher opines leads one to question whether such deference to administrative expertise helps the evolution of a safe environment in the country. "There is a prevailing view that Courts perform only an ombudsman's job without taking any effective and final decision." Critiquing the decision of the Apex Court in *Narmada Bachao Andolan v. Union of India* the noted environmental law specialists P. Leelakrishnan queried, "Should the courts still evade the application of precautionary principle saying that the gains of large dams are determinant and certain and are indeed the gains so certain to not apply the precautionary principle?

The application of the Professor Joseph Sax’s doctrine of public trust which calls for affirmative state action to effectively manage resources and empowers the citizens to question ineffective management of natural resources is another important contribution by the Supreme Court of India. In *M.C. Mehta v. Kamal Nath* the Court held that the State, as a trustee of all natural resources, was under a legal duty to protect them, and that the resources meant for public use could not be transferred to private ownership. In the case of *M.I. Builders Pvt. Ltd v. Radhey Shyam Sahu* it was observed by the Supreme Court that the public trust doctrine has developed from Article 21 of Constitution and is an integral part of the Indian legal jurisprudence.

Further as S.P. Sathe points out judicial legislation seeks to fill in legislative lacunae and in the last two decades, people have turned to the Supreme Court as an alternative institutional set-up for the enforcement of their rights. Upendra Baxi opines that public interest (social action) litigation and judicial activism have given the Supreme Court legitimacy to step into the shoes of the legislator and make laws. In *The Nature of the Judicial Process*, Benjamin Cardozo says "We reach the land of mystery when constitution and statute are silent, and the judge must look to the

445 (2000) 10 SCC 664
446 Professor S.P. Sathe, Hon. Director, Institute of Advanced Legal Studies, ILS Law College Pune.
447 For more refer *Environmental Jurisprudence in India - The role of Supreme Court*, news.indlaw.com/publicdata/articles/article178.pdf
common law for the rule that fits the case." Accepting the fact that judges do make law Cardozo observes:

"He (the judge) legislates only between gaps. He fills the open spaces in the law. How far he may go without traveling beyond the walls of the interstices cannot be staked out for him on a chart. He must learn it for himself as he gains the sense of fitness and proportion that comes with years of habitude in the performance of an art." The Plachimada Case presently pending before the Apex Court challenging the overexploitation of water resources by Hindustan Beverages for their Coca-Cola bottling plant and thereby depriving nine villages in the neighborhood of drinking water is another classic case invoking the Doctrine of Public Trust and the collective right to natural resources.

The researcher submits that in a welfare state judiciary cannot solve problems if it sticks to traditional rules of interpretations. Nor can Judges who play the 'role of disinterested umpires' solve environmental issues and hence the need for judicial activism. The Indian judiciary has been very sensitive and alive to the protection of the rights of the people. It has, through judicial activism forged new tools and devised new remedies and with public interest litigation, the Supreme Court has refashioned its institutional role to readily enforce the rights of the people and even impose positive obligations on the State though at times it has refrained to intervene on the grounds of policy warranting therefore a more uniform approach.

MINORITY RIGHTS: The term 'minority rights' embodies two separate concepts: first, normal individual rights as applied to members of racial, ethnic, class, religious, linguistic or sexual minorities, and second, collective rights accorded to minority groups. While there is no express reference to Minorities as part of a collective group in the UDHR, the first post-war international treaty to protect minorities, designed to protect them from the greatest threat to their existence, was the U.N. Convention on the Prevention and Punishment of the Crime of Genocide. Subsequent human rights standards that codify minority rights include the International Covenant on Civil and

---

449 See P. Leelakrishnan, Environmental Law in India, Butterworths India, New Delhi (1999)
Political Rights (Article 27), the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, two Council of Europe treaties (the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and the OSCE Copenhagen Document of 1990.450

Though the United Nations initially treated indigenous peoples as a sub-category of minorities, there is an expanding body of international law specifically devoted to them, in particular Convention 169 of the International Labour Organization. Further, ethnic revival has produced new ideas about cultural and social organization globally and made it imperative for States to make important choices involving the autonomy, integration and cultural characteristics of minority populations.451

The Constitution of India nowhere defines the term 'minority', nor does it lay down sufficient indicia to the test for determination of a group as minority. Even in the face of doubts being expressed over the advisability of leaving vague enforceable rights to undefined minorities, the members of the Constituent Assembly made no attempt to define the term while article 23 of the Draft Constitution, corresponding to present articles 29 and 30, was being debated, and, presumably left it to the wisdom of the Courts to supply the omission. The initial courtroom attempt to define 'minority' was made in the Kerala Education Bill where the Supreme Court, through S.R. Das C.J., suggesting the techniques of arithmetic tabulation, held that the minority means a "community, which is numerically less than 50 percent" of the total population.452 Minority has been determined by the Apex Court in relation to the particular legislation sought to be impugned. If the legislation sought to be impugned is a State legislation, it is determined in relation to the population of the State and in case of Central legislation, on the basis of the population of the whole country.453

450 The OSCE's approach is to identify and to seek early resolution of ethnic tensions, and to set standards for the rights of persons belonging to minority groups
452 This statistical criterion prevails with the Kerala High Court also which, in A.M. Patoni v. Kesavan, defined minority to mean the same thing as it meant to the Supreme Court.
According to Article 29(1) *any section* of citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same thus making this right applicable to both the minority and the majority as long as they satisfy the criterion of having a ‘distinct language script or culture’ of their own.\(^{454}\) Thus in *State of Bombay v Bombay Educational Society*\(^{455}\) the Supreme Court upheld the right of Anglo-Indian Schools to offer English as a medium of instruction.

Article 30 of the Constitution provides that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. “The Constitution thus envisages that minorities can be based on religion or language. Not only Muslims and Christians but also Buddhists, Sikhs and even Jains are minorities. Moreover, Hindus are a religious minority within the state of Jammu and Kashmir, Mizoram, Meghalaya and Lakshadweep and enjoy the privileges of minorities under the Constitution, in those states. But more important, and not perceived in popular imagination, is the category of linguistic minorities. For example in the State of Maharashtra, all those speaking Gujarati, Tamil, Hindi, Kannada, Malayalam, Urdu and languages other than Marathi are minorities and enjoy the same privileges as religious minorities. Marathi speaking people in India are a minority in states other than Maharashtra.”

In *TMA Pai Foundation* Judgment, the Supreme Court ruled that the right to establish educational institutions of their choice is available not only to the minorities but to all the citizens of India. The fundamental rights in Article 19(g) of the Constitution to practice any profession, or to carry on any occupations, trade or business was interpreted by the Supreme Court to include right to establish educational institutions, which is a right guaranteed to all the citizens. Minorities can not only establish educational institutions of their choice but also administer them. Supreme Court has further laid down that the right to establish and administer broadly comprises of right to (a) admit students; (b) set up a reasonable fee structure; (c)

\(^{455}\) 1954 SCJ 678:AIR 1955 SC 561
constitute a governing body; (d) appoint staff (teaching and non-teaching); and (e) take action if there is dereliction of duty on the part of any employees. However this right is not absolute, but subject to regulatory power of the State for ensuring educational standards. As Justice Chinnappa Reddy pertinently observed in the Frank Anthony Public School case while upholding the rights of the teachers in unaided institution to better conditions of service,” Regulatory measures which are designed towards the achievement of the goal of making minority educational institutions effective instruments for imparting education cannot be considered to impinge upon the right guaranteed by Art.30(1) of the Constitution.

It is equally interesting to note that the Constitution(Ninety third Amendment) Act, 2005 which inserted Clause 5 to Article 15 and thereby enabled the State to make special provisions for the advancement of socially and educationally backward classes of citizens and for the Scheduled Castes and Scheduled Tribes with respect to admission to educational institutions including private institutions, whether aided or unaided by the State exempted minority educational institutions as referred to in Clause (1) of Article 30. This in the opinion of the researcher indicates the reverence that is attributed to the autonomous functioning of minority institutions.

To sum up the researcher opines that third generation human rights are indeed protected amply by the Constitution of India and are in consonance with the provisions of the International Bill of Human Rights. With the Supreme Court of India reading these rights into PART III provisions of the Constitution, these rights are considered inviolable and privy to constitutional remedies and are no longer mere “aspirational soft law”.

456 Refer ALL Saints College v. Govt. of A.P., AIR 1980 SC 1042.
457 Refer Frank Anthony P. S. Association v. Union of India ,AIR 1987 SC 311