



LAW MANTRA THINK BEYOND OTHERS

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DISCRIMINATION BASED ON IDENTITY AND GOAL 16 INITIATIVES*

INTRODUCTION

Goals? How do we define goals? A layman may define goals as something individuals aim to achieve. But then the question which bobbles up in our minds is that what are the standards which suggest that a particular requirement should become a goal or not. Is it to be looked by taking the point of view of the society at large or will it become a goal as soon as a particular section of a society observes it as a goal required to be established? On this issue, the whole debates of minority rights and reservations hold their relevance. When certain sections of the society claim certain rights, there are different approaches to deal with them. Few may ignore by saying that it is not the collective conscience but the individualistic right approach but few may give regard to their rights as specific rights have always held a primacy over the general ones.

MEANING OF SUSTAINABLE DEVELOPMENT AND ITS GOALS:

That will continue to be a debatable issue but coming back onto point of what goals are and how are they set, it may be noted that goals are recognized by the collective conscience of people and the need to give a state's backing to the same. The goals developed must aim towards sustainable development but to understand it better let us explore the word 'Sustainable Development'. Sustainable may be termed as anything to which end cannot be connoted at the present and that which will go on for a longer time basically which *prevails* and *sustains*. Development may be stated as progress at the individual and society level. Thus together the two terms aim towards a healthy and forever living society where there is neither scarcity of resources, nor thoughts, emotions, brotherhood and compassion. It refers to the phenomenon wherein the present generation not only analyses the current resources generation but also is considerate about the forthcoming generations and because of this very reason they aim and maximum but optimum utilization of resources. Various summits and conferences have led to the upbringing of different goals which are in their point of view 'the need of the hour' but what puts in front of us a confusing state of

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how to reconcile among various goals and make the masterpiece wherein every goal is given utmost consideration by all the sections of the society and not one can speak against it. While we take a shift in our discussion from these general goals to the goals aiming at sustainable development, it leads to us deriving that these are not just goals but our missions for the better existence of the future generations. The Sustainable Development Goals (SDGs) are intended to be universal in the sense of embodying a universally shared common global vision of progress towards a safe, just and sustainable space for all human beings to thrive on the planet.¹ From water to animals, from health to elderly, every aspect needs protection on a long term basis for an individual spends life not merely with his own body but all the surrounding elements make a dignified life happen. It is true though that the degree and expectation of attainment will vary from country to country depending upon the demography, culture and population related aspects. But that will certainly not connote that there exist no need to not have a goal because change is a change be it small or big and here we aim not to achieve the highest degree of goal but to have a initiative to do so.

UNITED NATIONS' INITIATIVE:

United Nations (UN) devised the Sustainable goals theory innumerable times detailing all the goals which are worth keeping as goals for the continuous and dignified survival of present as well as the upcoming generations. The goals generally referred to as SDGs (Sustainable Developmental Goals) majorly aims at:

- Protection of natural resources
- Optimum utilization of nature bound resources
- Protection against gender discrimination
- Annihilation of caste discrimination
- Maintenance of optimum standard of living
- Ending poverty of all forms
- Ensuring access to reliable, affordable energy for all
- Promotion of decent and sustainable employment for all
- Ensuring healthy lives and well being for all
- Ensuring sanitation for all

Etc. the list is never ending as it cannot become exhaustive for with the changes in the society, the ideology of a better society also changes and widens in its prospect because with time there

¹ https://sustainabledevelopment.un.org/content/documents/1684SF_-_SDG_Universality_Report_-_May_2015.pdf

happens changes in the cultural, economic, political and demographic outlook of the society. If we compare the developing and the developed nations, the developing nations need on a stricter basis the attainment of these goals as for reaching the stage of being called a developed nation, they need to take into consideration all those aspects of the society which constitute the heart and soul of the nation. These goals have not aimed at a limited operation of time but till a stage where human foresight cannot imaginable reach at the present point of time. Taking a shift from the general discussion upon the SDGs to the most important one i.e. combating gender discrimination, it must be noted that a stand for removal of gender discrimination has been recognized as a SDG by UN in the agenda of May 2015 which states “*Achieve Gender Equality and Empower all women and girls.*” But sad reality is that the reports show that this goal is one of those kinds which neither gets much awareness nor importance.

CONSTITUTIONAL SAY ON THE MATTER:

Our constitution talks of equality in every respect in Article 14 where it is explicitly stated that every citizen must be considered as equal before law without any discrimination be it related to gender, or caste or identity thus gender equality and women’s rights has been one of the keystones containing the foundation of our constitution. Gender equality and women’s rights are key to addressing the unfinished business of the Millennium Development Goals (MDGs) and accelerating global development beyond 2015.² It basically dealt with the subparts of this particular goal namely: 1) quality education for girls 2) women’s empowerment in economic terms 3) Access to universal health and rights by women and girls 4) putting an end to the violence against feminine gender 5) women’s leadership 6) involvement of women in peace and security and 7) involvement of women in environmental sustainability. Our constitution has always welcomed amendments according to the needs of the society and need for the hour now is the increased importance to be given to women rights and gender equality which though may be a progressive legislation at the present time but constant debates on this topic has lead us to say that the time is no far when there will be absolute ban on the activities and people engaging into such discrimination.

WOMEN’S PLIGHT IN INDIA:

This is undeniable that the amendments in our Criminal Law speak of the growing concern for women rights in recent times. After the Nirbhaya case wherein the victim was brutally raped and beaten up afterwards leading to her death, there engaged huge public protests for the women rights and protection because believe it or not, our society is still under the clutches of Males’

² <http://www.oecd.org/dac/gender-development/POST-2015%20Gender.pdf>

dominating positioned people who consider woman as an inferior being made to work in homes and is a tool for procreation. Beginning from childhood which itself is a difficult task to do (Female feoticides are still prevalent in large numbers in our country), girls are taught to respect and be a servant in their own homes and in in-laws homes. Their education is not considered important as it is taken as a waste of money as well as time because girls are considered to be 'burden' in our society. They are subjected to unwanted cruelty and harassment which they are taught to bear because they are mere living objects having no interests and even if they possess few rights, they are considered to be pointless protecting. It is because women are considered to be weak living beings who can be tortured without expecting a voice of protest from their sides because they are deemed to be 'tolerant to the core'. This tolerance has been the major factor which had empowered these cruel men to impose harassment and cruelty upon these innocent beings because where there exists no fear of sanction, everyone becomes master of his own.

However, the abovementioned situations were typically ancient times' situations having essence till now but situations did have changed and have incorporated certain intricacies tilting and favoring women. The Criminal Law Amendment Act 2013 is the best example for the same when talked about the rape laws where even a mere molestation and sexual conduct is sufficient to put the accused behind bars because we are enhancing in recognizing that *women are no less than men and can do wonders if given the chance*. It is deemed that when there is a struggle between a man and woman, it is the female who will compromise but why? Who has given the right to these men and which law has empowered the men to suggest that women may back step? Is it because you consider them of no use or because they are incompetent? The men who think this may ask themselves of what would have been the case if they did not have their mothers. Who could possibly bring them into this world? They owe their life to the feminine gender.

In modern times, women have portrayed themselves as machines managing their household chores along with professional concerns which a man can never imagine of doing. How do you then comment on their competency and intelligence? What then stops you from granting them equal protection under laws? Will it not be rational and practical to say that women are rather more competent than men because they are handling dual role efficiently without any expectation of credit for the same?

The case of growing concern of working other than households is a major phenomenon even in rural areas where women are leading workers in SSI (Small Scales Industries) and Entrepreneurships creating and developing creative ideas for self reliance and independence.

Earlier, women could not even think of divorce because they were subjected and demanded to continue with their lives whatsoever it may be due to society's pressures. But now even divorce laws have a lot to say because due to their growing self dependence, they are no more under the control of anybody else but themselves. Even the matrimonial laws are somewhere inclined more towards the fairer sex leading to the conclusion that we are recognizing women rights on an enhancing basis. This inclination may be criticized on the fact that there has been misuse of the provisions by women but because of the misuse by few exceptional cases how do you account for the larger positive changes that it has brought in our society?

It is rightly said that,

*“When you teach a man, you teach an individual but,
when you teach a woman, you teach the whole society.”*

It is a woman who manages two families and that too in the most efficient way possible because she is made like that. Gender equality may sound as an absolutely useless concept for people residing in a country like India which is patriarchal in nature. But it would not be fair to protect rights of few by defeating rights of others. Few criticize stating that in the shield of promoting equality, law has started inclining towards women and discriminating with men but the straightforward answer to this allegation is that to improve the plight of women which got worsened through decades it is logical to first empower them more so as to strike a balance and bring them at par with men then only can the idea of gender equality can essentially be achieved. Law is not over empowering women but merely granting them with rights which they forget of possessing and being born with.

Goal 16 is not an initiative just for the sake of incorporating it in the memorandum for a decorative use. It has to be something which every individual must bear in mind while his daily routine because we aim at collective attainment and not individual ideas of its protection because these SDGs are aggressive in nature and each one of us is *'legally bound'* to promote, protect and develop them. Discrimination comes in various forms out of which the most ancient type has been the identity based one involving gender and caste biases. Our society is divided into various segments depending upon our castes to which we connote different cultures, habits and values. But thought provoking question is that is a child born with a tag of what his or her caste is going to be? It is something we as societal beings have created and definitely society's conscience cannot be right at all times. To mould this incorrect conscience into the rational one is the ultimate purpose of law and that is the reason for the upcoming of all these laws prohibiting and annihilating caste and gender discriminations.

OUR INITIATIVE:

We have been taught the very essence of our society i.e. “*Vasudhaiva Kutumbakam*” which means that whole world is a family. Why then we go against our own family by indulging into such discriminatory practices and ask for a society full of divisions? The idea of a fully developed nation will not just be obtained by having unlimited material resources and excellent efficient facilities but an aiming at fully developed mental rationality is what needs to be achieved. Our society is now standing at a point where we have innumerable divisions within it but having the provisions to do away with them if we don’t become individualistic and materialistic but a nation having utmost sense of brotherhood and dependence. Now it is our call on what we aim to achieve. Do we want to continue for discrimination for our selfish motives or want to achieve the idea of Vasudhaiva Kutumbakam? Do we want to spit on the attempts of these organisations that are developing goals for our better survival or we want to turn a blind eye towards them? Nobody can impose anything until and unless we as human beings aim at achieving and make it happen. *Yes, we can make it happen.*

