

*Prime Minister's Address**

Hon'ble Mr. P.V. Narasimha Rao, Prime Minister of India

I AM glad to be associated with this Conference which seeks to explore the possibilities of law as an agent to shape the future of children, environment and human health. Law as an instrument of social engineering has taken tremendous strides over the years. It is a flexible instrument and is endowed with both creative and moulding power. However, in order to be effective it has to be constantly reassessed in the changing social framework and the change in goals.

Every nation, developed or developing, links its future with the status of the child. It is a truism to assert that in the ultimate analysis it is childhood that holds the potential and also sets the limit to the future development of a society. The child of today cannot develop into a responsible and productive member of tomorrow's society unless an environment which is conducive to his social and physical health is assured to him. The gains of economic development on which so much stress is being laid today cannot be stabilized and sustained unless they are accompanied by commensurate opportunities for human development.

India is fully alive to the seminal importance of the role of the child in its quest for development. The constitutional provisions on children, particularly those enshrined in the Directive Principles of State Policy form the bedrock of government's policy in consonance with the desires of the founding

fathers of the Constitution. But here, I regret to point out that the founding fathers of the Indian Constitution inspite of their best effort, inspite of tremendous pressure being brought in the Constituent Assembly, were not able to ban child labour altogether in our Constitution. Those were the limitations. Those were the circumstances in which they had to settle for something less than total banning. Can we do it today? Is it possible for today's society in 1994, just about six years before entering the next millenium? Can we do today what in 1950 our founding fathers inspite of their best efforts, inspite of their best intentions, were not able to do. This is the question. They also form the guidelines for planning and implementing programmes for the welfare and development of children and have been incorporated in the National Policy for Children.

Health is a basic need and a fundamental human right. Providing for health care to ensure the holistic development of all, including children, is an enormous and challenging task before developing countries. Wide disparities between the rich and the poor, between urban and rural areas, gender discrimination, and widespread illiteracy are factors that contribute to the threat to the well-being of the child. Government has to make a concerted effort to provide comprehensive health care services.

Primary health care, particularly for mothers and children, has to be given due priority in developing a health care system. The experience in many countries has demonstrated that strategies based on inculcating awareness and conscientiousness

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among the people provide sustainable solutions to the complex problems in the area of health. The success of our family welfare programme to control the increase in population is greatly dependent on the primary health care programme.

It is significant to note that the scope of law in ensuring health in our country is being widened. The earlier legislative effort was concentrated on preventing food adulteration and regulating the preparation of drugs and cosmetics. Now new legal challenges are being thrown up by such medical innovations as artificial insemination, organ transplant, surrogate motherhood and the like. Certain basic preventive and protective measures like the need to check infectious transmission through blood have assumed an urgency which was not there till the AIDS epidemic hit the world. Consumers are now demanding that the members of the medical profession should be made accountable for their acts of omission and commission. This is actually happening in all the developed countries of the world. The doctor there is always under the threat of being sued and perhaps losing his life's earnings if he is found to be negligent. This has not yet started in India, but it is only a question of time before the consciousness of the people, the awakening of the consumers, the awakening of the patients, their knowledge about what has been done by the doctor—in fact, much will depend on what the patient thinks ought to have been done and was not done. If he is ignorant, then he cannot really go to a court because the evidence is absent. So, all this is going to happen and our doctors will have to take care, take note of what is in store for them in case they are negligent. This is coming. The law has to take note of this social dynamics from time to time and provide the standard. Fortunately, this has already started happening.

The concern for the environment is often viewed as the concern for posterity, the future of our children, the well being of the

coming generations, the prospect of the decades and centuries that lie beyond the here and the now. This approach is, to say the least, short-sighted. The right approach to the environment is to view it in its cyclical timelessness. This is the law of eternity that has been ingrained in the traditions of nearly all civilisations, particularly ours. Any civilisation that has tampered with nature's cycle of renewal has fallen by the wayside of history. This is the danger that the modern technological age has to avoid.

The ancient sages of India used their profound wisdom, intuition and powers of observation and understanding to establish the close inter-relationship between human beings and the animate and inanimate beings around them. *The Ishopanishad* says:

This universe is the creation of the Supreme Power meant for the benefit of all his creation. Each individual life form, must, therefore, learn to enjoy its benefits by forming a part of the system in close relation with other species. Let not any one species encroach upon the other's rights.

The principle of '*Dharma*' in Indian thought affirms the inter-relationship of human beings and the environment and the need to abide by the laws of nature.

One of our ancient saying goes, "It was for the sake of preservation, progress and well being of creatures, including human beings"—human being is really nothing very special; it is just another creature of God—"that *dharma* was created by the self created one, that is the *Swayambhu*."

Let us, in this forum, decide to respect the rights of the future generations to an equal share in the resources of the globe, and to discipline ourselves to use these resources sparingly. The best we can do to shape the future by using the strength of law is to frame such legal provisions that leave the resource

base of the globe undepleted for the coming generations. Let us deliberate how we can manage our affairs and shape our laws in such a way that we give full opportunity for self development to our generation and at the same time provide the same opportunity to the coming generations also.

At this point, ladies and gentlemen, before concluding I would like to place before you the practical aspect of what this Conference is going to discuss.

As a legislator of a long enough standing I must say that where legislation is passed but not implemented it creates a situation where the society goes into absolute disarray. To me legislation is a weapon. If the weapon doesn't work, it gets blunted and observed only in breach, where do I go, how do I do anything to change the society? Where legislation fails, the gun takes over. This has been our experience, sad experience for the last forty years. So, legislation is something very effective, very important, very crucial in the lives of people. It is not just a piece of law which we pass by raising our hands. But it is something which needs to be nurtured, which needs to be followed up in every aspect of its implementation.

I will give you the example of the nineteen fifties. The Constitution of India said something about compulsory education, elementary education, primary education. In the first flush of the Constitution, the first flush of idealism engendered by the Constitution we all passed laws. I think they were passed in almost every State in India. I certainly remember as a legislator the long discussions that we had, the very idealist kind of speeches that were made in the Andhra Pradesh Legislative Assembly for passing this law. What did the law say? It almost penalised every parent who failed to send his son or daughter to school. We were very happy after passing the law but I don't remember a single parent having ever been punished and the law having ever worked in the spirit and letter in which it was passed. Social legislation is something extremely dif-

ficult to implement.

So is the case with environment. Our forest cover while we are talking of environment has been depleted from 18 per cent to 10 or 11 per cent today. Take the satellite pictures, they will show that while we are talking of something what is being done is totally different, the opposite of it. It is a very sad story in this country.

But then when there is a struggle for survival between man and a tree, probably man has the strength to destroy the tree and the law has not gathered strength to prevent him effectively from destroying the tree. It is that simple.

So, law has to be very forceful, very powerful and the over reaching authority of the law should be established for, only then social and environmental legislation will really work.

So, I am expecting the legal luminaries at this Conference to come up with ideas which may help us in Parliament in making the laws that we pass more effective. That is the great thing about this Conference that it is inter-disciplinary, not each discipline talking about itself and not caring what the other has to say. So this is, what the special feature of this Conference is, and I would expect the recommendations of this Conference to be sensible as well as implementable. This is what I would expect this Conference to do because that is how we would be helping the Parliament of India and the legislators of India a great deal in doing their duty properly and getting it implemented.

Law, in its prescriptive and prohibitive forms, is a manifestation of the human desire to regulate social behaviour and move society towards a desired goal. In the ultimate analysis, law must reflect our needs as well as our aspirations. We in India have always taken a pragmatic look at what law can do and what it ought to do. I hope that this Conference would crystallise ideas in this area. My best wishes for the success of the Conference."

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