



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and diploma in Public

a professional Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM-degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.

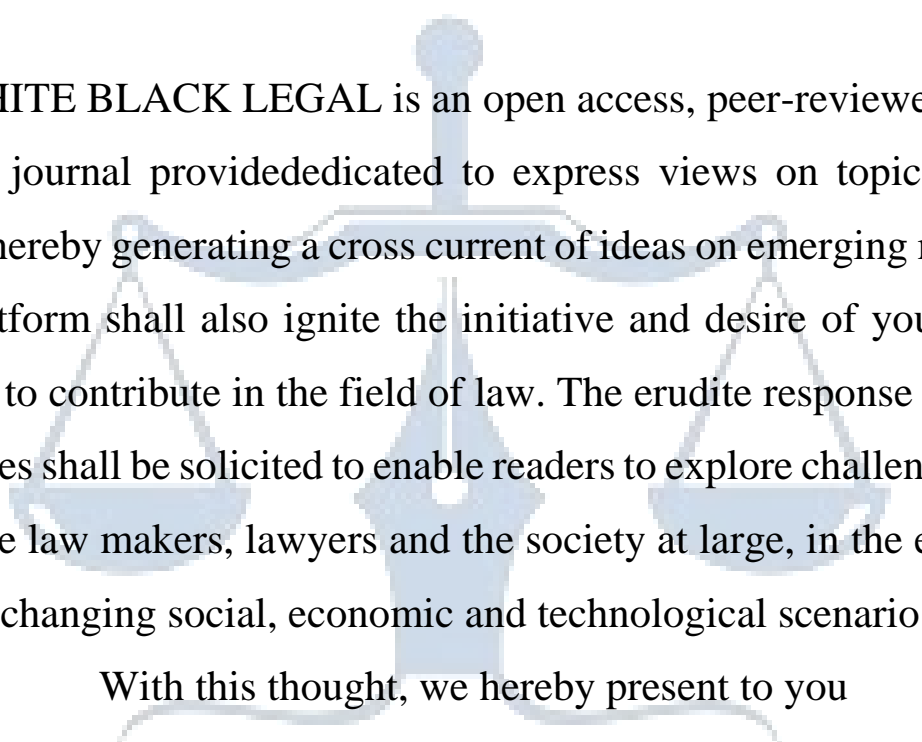


Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E B L A C K
L E G A L

INDIVIDUAL UTILITARIANISM AND SELF-RELIANCE (ATMA NIRBHAR BHARAT)

AUTHORED BY – ADITI SHUKLA

ABSTRACT

This research explores the intricate interplay between two significant ideologies—Individual Utilitarianism and the notion of Self-Reliance, as exemplified by the Aatm Nirbhar Bharat initiative. It seeks to uncover how these ideologies coexist and influence individual behaviors, societal structures, and policy making. The study employs a multidisciplinary approach, combining philosophical analysis, economic insights, and sociopolitical perspectives. Through a comprehensive literature review, concept wise developmental framework, and qualitative data collection and analysis, this research aims to provide a nuanced understanding of the alignment, conflict, or synergy between Individual Utilitarianism and the goals of Aatm Nirbhar Bharat. Ethical considerations and potential limitations are acknowledged, with suggestions for future research directions. This investigation contributes to the discourse on the complex dynamics between individual well-being and self-reliance in contemporary society.

Keywords: Individual Utilitarianism, Self-Reliance, societal structures, individual behaviors

INTRODUCTION

JS Mill in Chapter 2 of his book “Utilitarianism”, *“Pleasure and freedom from pain are the only things that are desirable as ends, and everything that is at all desirable is so either for the pleasure inherent in it or as means to the promotion of pleasure and the prevention of pain”*.¹

Now, Individual Utilitarianism is a moral theory emphasizing actions that maximize personal happiness, intersects with the concept of self-reliance, as embodied in India's "Atma Nirbhar Bharat" (Self-Reliant India).

The definition of self-reliance has changed in a globalized world, and it is different from being self-centred. In Indian context, self-reliance is defined as a dependence on one's inner resources to bring meaning and fulfillment to life. While the Constitution does not use the term "self-reliance," the

¹ Mill, John Stuart. 2014. “OF THE ULTIMATE SANCTION OF THE PRINCIPLE OF UTILITY.” Pp. 39–51 in *Utilitarianism, Cambridge Library Collection - Philosophy*. Cambridge: Cambridge University Press.

principles of promoting economic development, social welfare, and equality can be seen as contributing to the broader goal of making India self-sufficient and self-reliant and the Utilitarianism principle evidently. The emphasis on fundamental rights, directive principles of state policy, and the Preamble's mention of securing economic justice, among other objectives, can be seen as supporting the idea of fostering a self-reliant nation.

**INDIVIDUALISM, INDIVIDUAL UTILITARIANISM, COLLECTIVE UTILITARIANISM AND
SELF-RELIANCE: INTER DEPENDENCY AND NEED OF THE HOUR**

Harmonising the individual and the collective needs has always been the impediment in human societies. Individuals, according to functionalists, are created by society via the impact of institutions such as the home, school, and employment. Functionalists included early sociologists such as Herbert Spencer, Emile Durkheim, and even Karl Marx, who saw society as existing separate from the person. For Durkheim, society is reality. It is the source of the individual's origin and value. Durkheim's insightful explanation of collective consciousness demonstrated how social interactions and connections, and ultimately society, shape individuals' attitudes, ideas, and feelings. He used his idea of "collective representation" to explain religious occurrences, suicide, and the concept of social solidarity in contrast to Auguste Comte (known as the "Father of Sociology"), who saw the individual as a mere abstraction. How society is important in the formation of individual's personality is clearly reflected in the cases of feral children who have clearly demonstrated the importance of social interaction and human association in the development of personality. Sidgwick stated this development of personality and these human interactions as "Common Sense Morality", the morality which individual achieved consciousness should possess. Sidgwick's examination of common-sense morality and his axioms that strengthens utilitarianism. When he applies these tests to his own axioms, which he believes lead to utilitarianism, he finds that these axioms have a higher degree of certainty.

The certainty from testing the common-sense morality axiom asserts that, from a universal perspective, the well-being of any one individual is no more important than the well-being of any other individual. Unless there are specific reasons to believe that one person's well-being will result in more overall good than another, they are considered equally important. As a rational being, one is morally obligated to strive for the general good to the extent that it is achievable through their actions. It emphasizes the pursuit of overall well-being rather than favoring a particular part of it. These axioms form the basis of utilitarian ethics, which seeks to maximize overall happiness or well-being and considers the consequences of actions on the greatest number of individuals. Sidgwick himself acknowledges that the argument does not work against an egoist who prioritizes

one's own self-interest above all else, and an egoist might not be swayed by the axioms or principles that prioritize the general good.

On the other hand, Sidgwick believes that common-sense moralists are more likely to agree with the axioms he presents, particularly the idea of benevolence as a guiding principle. Personal irrelevance and benevolence seem to say that the only reason for departing from being indifferent to who gets some good, or from pursuing the good of another just as one pursues one's own good, is that more good would be produced and this "Greater Good Theory" of Utility provides the clear picture of society and individual and how intricately knitted.

Contrary to it, Aristotle has treated the individual only from the point of view of the state and he wants the individual to fit in the mechanism of the state and the society. In reality, it is not society or individuals that aid in comprehending the complete picture of reality, but rather society and individuals that aid in understanding the total reality.

From Cooley to the present, sociologists have understood that neither society nor the person can live without the other and hence it can be inferred that, utility is the concept that joins the link between utilitarianism and self-reliance giving importance to individualism to form an independent choice. Individuality refers to the distinctive and unique characteristics, qualities, and attributes that set one person apart from others. It encompasses a person's distinct personality, beliefs, values, interests, experiences, and way of thinking. Individuality is what makes each person different from everyone else and contributes to their uniqueness as an individual.

Utilitarianism is concerned with achieving social pleasure, whereas Chuang Tzu is concerned with individual happiness. However, they are both too radical to read one and ignore the other. However, there is no inherent conflict between these two states of enjoyment. The root of the issue is the disparity in understanding of the idea of social happiness, as well as the freedom to choose a happy life for oneself. There is no contradiction between social and individual pleasure, and the freedom to choose is part of human happiness, which will aid in the construction of a happy society. Hence, Individual, and collective pleasure are intertwined. It reflects a nuanced view of the relationship between the well-being of nations and the well-being of their citizens. Historically, there have been instances where the interests of the state or society were prioritized at the expense of individual well-being, often under authoritarian or oppressive regimes. However, in modern democratic societies, there is a recognition of the interconnectedness between the well-being of the nation, as a collective entity, and the well-being of individual citizens.

The concepts of individuality, individual utilitarianism, and self-reliance are interconnected ideas that relate to personal values and ethics. The intersection of these concepts plays an important role in the continuously evolving social structure for policy making and development of a Nation. The concept of individual utilitarianism and self-reliance can align in the sense that a person who values individual utilitarianism may prioritize their own happiness and well-being. To achieve this, they might emphasize self-reliance, believing that making decisions based on their own judgment and self-sufficiency is the best way to ensure their happiness. Embracing one's individuality can often lead to a desire for self-reliance. When individuals value their uniqueness and personal traits, they may be more inclined to trust their own judgment and rely on their abilities to navigate life's challenges. An individual who values their unique qualities and experiences may also adopt an ethical framework like individual utilitarianism. They may believe that by pursuing their own happiness in alignment with their individuality, they are leading a more authentic and fulfilling life. These concepts can complement each other in various ways. Individuals may choose to emphasize different aspects of these ideas based on their personal values and circumstances, ultimately seeking to live a life that aligns with their individuality while considering their own well-being and self-reliance.

INDIAN SCENARIO: PRE & POST-INDEPENDENCE

"Social welfare" according to Utilitarianism, relies only on each person's level of contentment and unhappiness. So, if men enjoy discriminating against one another and subjecting others to less freedom in order to boost their own egos, then we should consider the fulfilment of those desires in our discussions along with other desires, regardless of how strong they may be. Since they are often socially destructive and there are other methods to attain greater welfare, if society chooses to repress them or deny them gratification, it is because of this. India being a welfare state incorporated the doctrine of pain and pleasure under the Indian legal system to ensure the maximization of pleasure and protection against pain. The concept of a basic right cannot be such that the state forces its vision of good on its citizens, rather, it is the right of an individual to define what a good life is based on his or her own desires. This concept is vital to liberty, and it also prevents the state from relying on individuals to uphold its beliefs. The state must always stay impartial in terms of valid and invalid ideas of good. The state's perspective should always be kept out of an individual's area, allowing them to establish their own definition of what is good.

"Self-Reliance" played a crucial role in the context of Indian independence from British colonial rule. The idea of self-reliance was closely linked to the broader struggle for independence and shaped various aspects of India's journey to nationhood. India's struggle for independence was

accompanied by efforts to become economically self-reliant. The British colonial rule had suppressed indigenous industries and agriculture in favor of British interests. Leaders like Mahatma Gandhi and Jawaharlal Nehru advocated for economic self-sufficiency as a means to reduce dependence on foreign goods and promote the growth of domestic industries.

The Swadeshi Movement, during the early 20th century, was a significant aspect of the struggle for independence. It involved boycotting British-manufactured goods and promoting the use of locally made products. This movement aimed to reduce India's economic dependency on British imports. In the Khadi Movement, Mahatma Gandhi promoted khadi which was not only a symbol of self-reliance but also an economic strategy. By encouraging the production and use of khadi, Gandhi sought to create employment opportunities for millions of rural Indians while reducing the import of foreign textiles.

In the Swadeshi movement, Swadeshi enterprises and industries were established and encouraged to support economic self-reliance in order to produce goods and services that were previously imported to minimise India's dependency on the foreign market.

Reference can be sought to the *Bank Nationalisation* case wherein, 50 years ago, the Indian financial sector underwent a tectonic shift, when Indira Gandhi government nationalized the 14 biggest commercial banks in 1969. According to many economists nationalization of banks was the single-most-important economic policy decision taken by any government after 1947. The impact of this decision is considered by some to be, even more than the economic reforms of 1991. During that time many Asian countries were switching to more market-oriented policies, India on the other hand, supported the socialist policies. Nationalized banks then have helped India emerge as one of the largest developing economies, gain self-sufficiency in food grains production, and make significant strides in financial inclusion.

Post the British colonial era, India has chosen democracy as opposed to the earlier existing monarchy and has declared itself as a welfare state giving importance to individual utilitarianism by including provisions of Universal Adult Franchise providing voting rights to every citizen above the age of 18. Article 14, 15, 16, 19, 21, 39, 38, 41, 42, 51-A, 25, 48 are some of the provisions that highlights the welfare and the utilitarian approach of the Constitution framers embedded in this Grundnorm.

The Supreme Court recognized the right to human dignity as an integral part of Article 21. It emphasized that the right to life includes the right to a dignified life, which encompasses necessities such as shelter, clothing, and nutrition. This interpretation aligns with utilitarian principles by recognizing and ensuring that the basic needs are to be met and contributes to the overall well-being and happiness of individuals and society as a whole. In the case of *Mohini Jain & Ors v. State of Karnataka* the Court expanded the interpretation of Article 21 to include the right to education as part of the right to life. The court recognized that education is essential for personal development and societal progress. Providing access to education aligns with utilitarian principles by enhancing human capital, promoting economic growth, and improving the overall welfare of the population. These cases reflect the judiciary's commitment to interpreting constitutional provisions in a way that enhances the welfare of citizens and recognizes that human dignity, basic necessities, education, and food are essential elements for achieving a just and humane society. In doing so, they align with the utilitarian goal of maximizing overall happiness and minimizing suffering in society.

Atam Nirbhar Bharat And Other Initiatives: Evolutionary Move

There has been an evolutionary shift from being a social welfare state to self-reliant or an Atam Nirbhar Bharat post-independence. Covid as a global pandemic created a hue and cry situation around the world which forced India to take initiatives to create a self-reliant India who is not dependent on the outside resources for the fulfilment of their own demand. "Atmanirbhar Bharat" (Self-Reliant India) is primarily focused on economic self-reliance and resilience. It was introduced by the Indian government as an economic stimulus and self-reliance initiative in response to the challenges posed by the COVID-19 pandemic. The core objective was to strengthen India's economy and reduce its dependence on foreign goods and services. Atmanirbhar Bharat Abhiyan is the vision of New India that aims to make the country and its citizens independent and self-reliant. "Atmanirbhar Bharat," which embodies the idea of an independent India, is neither about self-absorption or isolationism. Rather, the focus is on attaining financial independence and adaptability while continuing to participate in the international economy. The concept of "Atmanirbhar Bharat" (Self-Reliant India) indeed has philosophical underpinnings that resonate with the principles of "sarvodaya" and "antyodaya" put forth by Mahatma Gandhi and Deendayal Upadhyaya, respectively. Economy, infrastructure system, demographical feature

and demands are the five pillars of self-reliant India's initiative. Various reforms, like digital India, rational tax system, supply chain system for agriculture, capable human resource and strong financial system are some of the schemes along with Atmanirbhar Bharat initiative has been taken by the Modi Government in achieving the aim of self-reliance in a faster manner. It includes various

measures aimed at both supply-side and demand-side interventions to boost economic growth and self-sufficiency. Digital India endeavour for digital empowerment in creating a knowledgeable society where people's participation in policy formulation and governance of the welfare are given primacy. "Atmanirbhar Bharat" aligns with the principles of sarvodaya by striving for self-reliance not just for a select few but for the entire nation. "Atmanirbhar Bharat" recognizes the importance of uplifting the last person in society by promoting economic self-reliance. By strengthening the domestic economy, generating employment, and reducing dependency on imports, the initiative aims to create opportunities and improve the lives of the most vulnerable segments of the population. It aims to empower every section of society by promoting domestic production, economic growth, and equitable access to resources.

CONCLUSION

Consequentialism remains a foundational concept in Utilitarianism and continues to be influential in ethics, moral philosophy, and decision-making discussions, particularly when evaluating the ethical implications of actions and policies based on their outcomes. Society and individual are made mutually dependent and responsible and complementary. In conclusion, while self-reliance and individual utilitarianism approach the pursuit of well-being from different angles, they converge in their shared commitment to individual welfare and the greater good. By fostering self-reliance that aligns with ethical considerations of maximizing overall happiness, individuals and societies work towards a harmonious balance that benefits both the self and the community. Bentham's theory of utility was taken into consideration by our constitutional writers while crafting the Indian constitution, and Parliament uses it to inform policy decisions. Since each person is typically the best judge of his or her own welfare, theory of utility has generally supported democracy as a means of balancing the interests of the greatest individual liberty with those of others. They have also believed in the possibility and desirability of progressive social transformation through peaceful political procedures.

BIBLIOGRAPHY

1. Venkatesh @ Chandra v. State of Karnataka
2. 200th Law Commission Report On Trial By Media Free Speech And Fair Trial Under ...
3. Express Newspapers (Private) v. The Union Of India (Uoi) And Ors.

At: https://www.livelaw.in/pdf_upload/387-venkatesh-chandra-v-state-of-karnataka-19-apr-2022-415274.pdf

: <https://indiankanoon.org/doc/42810882/>

: <https://indiankanoon.org/doc/891756/>