

Topic: International Law Under Article 51

Name of the case: State of West Bengal v. Kesoram Industries Ltd, AIR 2005 SC 1646

Bench: Chief Justice V.N. Khare, Justice R.C. Lahoti, Justice B.N. Agarwal, Justice S.B. Sinha, Justice A.R. Lakshmanan

Judgment: The Supreme Court observed that as Article 253 contains a non-obstinate clause, it operates notwithstanding anything contained in Article 245 and Article 246. Article 246 confers power in Parliament to enact laws with respect to matters eliminated in list one of the 7th schedule to the Constitution. Entries 10 to 21 of List 1 of the 7th schedule pertain to international law. In making any law under any of these entries, Parliament is required to keep Article 51 in mind.

Further Related Concept

Name of the Case: People's Union for civil liberties v. UOI, AIR 1997 SC 568

Bench: Justice K. Singh and Justice S.S. Ahmad

Judgment: The Supreme Court referred to Article 17 of the International Convention on Civil and Political Rights, 1966 and Article 12 of the Universal Declaration of Human Rights, 1948, so as to derive from Article 21 Right to Privacy in India. The court observed in this connection as under:

"International law today is not confined to regulating the relation between the states. Scope continues to extend. Today matters of social concerns, such as, health education and economic apart from the human rights fall within the ambit of international regulations. International law is more than ever aimed at individuals. It is almost accepted proposition of law that the rule of customary international law which are not contrary to the municipal law shall be deemed to be incorporated in the domestic law."

Part IV – A Fundamental Duties