

# The right to health and education: Constitutional Guarantees and Human rights standards

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**Abstract**—The right to health and education or both fundamental human rights, recognized internationally and enshrined in national laws like India's Right to Education Act (RTE) and constitutional provisions. The 86th Amendment to the Indian Constitution made the right to free and compulsory education for children aged 6 to 14 a fundamental right under Article 21A. The right to education guarantees free and compulsory primary education for children with an emphasis on quality, infrastructure and non-discrimination. The government must ensure every child is enrolled and complete their elementary education. The right to health is a broader concept encompassing a holistic state of well-being, requiring access to quality healthcare services, as well as underlying social and environmental factors like clean water, nutrition, safe and Healthy environments. The right to health and other health related human rights are legally binding commitments enshrined in international human rights instrument. WHO's constitution also recognizes the right to health. The constitutional basis for the right to Health in India is primarily found in Article 21, which guarantees the right to life and personal liberty and has been interpreted by the Supreme Court to include the right to health and medical care. Additionally, the directive principles of state policy, particularly Article 47, Direct the state to improve public health. The Supreme Court has held that the right to health is integral to the right to life under Article-21. The includes access to medical services, a hygienic environment, clean water, nutritious food and safe working conditions.

**Keywords**— Education, Health, Constitutional Fundamental Rights, Right to Education, International Mandates, National Education Policy.

## I. INTRODUCTION

The Indian Constitution recognizes health and education as crucial for nation-building and the welfare of citizens. The right to education, under Article 21-A, is a fundamental right for children between the age of 6 to 14, while the right to health, guarantees a healthy life, the constitution in Article 47 states that promoting public health and improving the standard of living is one of the

primary duties of the Government. "Nation-building" the founding fathers of the constitution believed that education was the foundation of any nation's progress. It plays a vital role in building citizens' character, self-confidence and social awareness. The Supreme Court has also recognized mental health as a fundamental right under Article-21 and directed to ensure a safe psychological environment in educational institutions.

Both health and education are often described as "enabling rights" because their realization is a precondition for exercising many other human rights and achieving one's full potential. Quality education and good health are fundamental to human dignity, personal development and overall well-being. They are crucial for a nation's social and economic development. While health is protected under Article-21, there is ongoing debate about whether it should be a more explicit fundamental right with a specific statutory framework to ensure effective implementation and address the challenges in India's healthcare system.

The constitution of India does not expressly recognize right to health as a fundamental right under part III of the constitution (fundamental rights). However, through Judicial Interpretation, this has been read into the fundamental right to life and personal liberty (Article-21) and is now considered as inseparable part of the right to life. Article-23 of the constitution of India also indirectly contributes to protecting the right to health as it prohibits human trafficking and child labour.

The role of Indian Supreme Courte in protecting the health of the public at large is note-worthy. Right to life has a very broad scope which includes right the livelihood, better standard of life, hygienic conditions in the workplace and right to leisure. Right to health is, therefore, an inherent and inescapable part of a dignified life

The Supreme Court has held that the "right to life" means more than just mere survival and includes the right to live with human dignity, which requires access to health and medical care. In the Indian constitution, the right to education is a fundamental right for children aged 6 to 14 under Article 21-A, established by the 86<sup>th</sup> Amendment Act. The right to health is considered an integral part of the right to life and personal liberty under Article 21 and is supported by Directive principles up state policy.

#### Right to Health

Right to health refers to and meant the most attainable levels of health that every human being is entitled to the origin of the right to health dates as far back as 1946. When the first international organization, world health organization (WHO) came to existence to formulate health terms as human rights. The right to health is an essential component of human dignity and it is the responsibility of governments to ensure that this right is protected and promoted for all individuals, regardless of their genders, race, ethnicity, religion or socio-economic status.

#### Constitutional provisions and Legal Framework

India is signatory of the Article 25 of the Universal Declaration of Human Rights (1948) by the United Nations that grants the right to a standard of living adequate for the health and well being to humans including food, clothing, housing and medical care and necessary social services.

Article 21 of the constitution of India guarantees a fundamental right to life and personal liberty. The right to health is inherent to a life with dignity. Directive principal of the state policy Article 38, 39, 42, 43 and 47 put the obligation on the state in order to ensure the effective realization of the right to health. Supreme Court in Paschim Benga Khet Mazoor Samiti case (1996) held that in a welfare state, the primary duty of the government is to secure the welfare of the people and moreover it is the obligation of the government to provide adequate medical facilities for its people.

The constitution also includes directive principles of state policy that guide the state to promote public health.

Article 47: Directs the state to raise the level of nutrition and improve public health as of its primary duties.

Article 39(e): Aims to protect the health of workers, especially women and children.

Article 48(a): Requires the state to protect and improve the environment and safeguard the forests and wildlife of the country.

Article 243(g): Empowers state legislatures to provide panchayats with powers to administrator matters listed in the Eleventh Schedule, which includes health and sanitation.

Also in its landmark judgment in permanent Katara Vs. Union of India (1989) Supreme Court held ruled that every doctor whether at a government hospital or otherwise has the professional obligation to extend his services with due experties for protecting life.

#### Right to Education- Constitutional provisions and legal framework

The Constitution (Eighty Sixth Amendment) Act 2002 inserted Article 21-A in the constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as fundamental right in such a manner as the state may, by law, determine the right of children to free and compulsory education (RTE) Act 2009, which represent the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in formal school which satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the word "Free and Compulsory". "Free education" means that no child other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate government shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education "compulsory education" casts on obligation on the appropriate government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group.

With his, India has moved forward to a rights based framework that casts a legal obligation on the central and state governments to implement this fundamental child rights as enshrined in the Article 21-A of the constitution, in accordance with the provisions of the RTE Act.

Article 45: Originally directed the state to provide free and compulsory education to children upto the age of 14 year. This was a directive principle and non-justifiable.

Supreme Court observation on the right to education Unni Krishnan Vs. State of Andhra Pradesh (1993) the Supreme Court declared the right to education a fundamental right under Article 21, but only for children aged 6-14 years. It later became a formal fundamental right through the 86<sup>th</sup> constitutional Amendment Act in 2002, which introduced Article 21-A.

Avinash Mehrotra Vs. Union of India the Court clarified that the state's duty to provide a safe and compulsory education includes ensuring school have safe facilities. Recent decisions 2025 the Supreme Court has been revisiting the exemption of minority institution from certain provisions of the RTE Act, including the Teacher Eligibility Test (TET) requirement.

#### Supreme Court View (Health and Education)

Supreme court decisions regarding health and education have emphasized the need to protect students mental health and improve to quality of medical care. The court has directed educational institutions to adopt a uniform mental health policy and to avoid excessive pressure on students due to exam failure. Additionally to improve medical care, the court has tightened law related to medical negligence and emphasized the implementation of guidelines from bodies such as the National Medical commission.

In a major July 2025 decision India's Supreme Court ruled that mental health is a part of the constitutional right to life, establishing is binding guidelines for all educational institutions to safeguard student mental well being and prevent suicides. All public and private school, colleges, universities and coaching centre must follow 15 specific binding guidelines. The ruling officially recognizes the right to mental health as a fundamental component of the right to life and dignity under Article 21 of the Indian Constitution.

In Bandhua Mukti Morcha Vs. Union of India and Ors. (1997), the Supreme Court, interpreted the right to health to be an intrinsic part of the right to life

under Article 21, in Several Judgments that followed too this principle has been reiterated making the state's mandate stronger and more compulsive. Subsequently, the Supreme Court of India court affirmed the fundamental right to education into landmark cases, Mohini Jain Vs. State of Karnataka and Unni Krishnan Vs. State of Andhra Pradesh. Society for unaided private school Vs. Union of India (2012) in this decision, the Supreme Court of India upheld the constitutionality of Section 12 of the right of children to free and compulsory education Act (RTE Act), which requires all school, both state funded and private; to accept 25% intake of children from disadvantaged group. The Supreme Court view education as a fundamental right included in the right to life under Article 21 of the constitution.

#### India's commitment to public health

Between 2009 and 2019, India invested less than 2% of its GDP on public Health and this percentage has only dipped with a meagre 1.1% allocated for spending on health in 2019-20. This, despite the national health policy 2017 expressing the need for at least 2.5% of GDP to be spent on health by 2025. Internationally, the gold standard for spending on public health is much higher, at 15 percent.

#### International mandates

The preamble to the constitution of the World Health Organization (WHO) as adopted by the International Health Conference define "Health" as a state of complete physical, mental and social wellbeing and not merely the absence of disease. The constitution itself enjoins the state to have a responsibility for the health of their peoples, which can be fulfilled only by the provision of adequate health and social measures.

The universal declaration of human rights, to which India signatory, states under Article 25 – "Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family including food, clothing, housing, medical care, education and necessary social services and right to security in the event of unemployment, sickness, disability, widowhood, motherhood, old age or other lack of livelihood in circumstances beyond his control Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock shall enjoy the same social protection."

### National Education policy (NEP)

Both the National Education Policy and the constitution of India are crucial to education of India landscape and social development. The national education policy is a policy-driven initiative that reforms education. While the Indian constitution provides guiding principles and fundamental rights regarding education Article 45 of the constitution provided for free and compulsory education for all children up to the age of fourteen and the national education policy 2020 seek to carry forwards constitutional spirit and comprehensively reform the education system. NEP also lays down fundamental rights regarding education and available equal opportunities for all.

## II. CONCLUSION

Education and health have a strong symbiotic relationship where each significantly influences the other. Education promotes health by providing knowledge, skill and economic opportunities that lead to better health choices, higher income and improved quality of life. Conversely good health is essential for education as poor health can hinder attendance, academic performance and cognitive development. This connection highlights that they are crucial social determinants of each other's outcomes. In the Indian constitution health has been given the status of a fundamental right by linking it with Article 21 and education has also been considered a fundamental right under Article 21 A. The constitution ensures health and education through the fundamental rights of the citizens and directive principal of state policy. Which are essential for the overall development and well being of the nation.

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