

Right to Health and Education with Constitutional Guarantees and Human Rights

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I. INTRODUCTION

The right to health and the right to education are two essential rights that are inextricably related to human development. These rights are fundamental to a person's capacity to live a life of dignity and go beyond simple socioeconomic privileges. The UN has stressed that human flourishing cannot occur without health and education. As the biggest democracy in the world, India has incorporated these rights into its system of government through legislation and the constitution. The goal of this research study is to present a thorough analysis of the rights to health and education as guaranteed by the constitution, international human rights duties, statutes, and judicial interpretations. This essay demonstrates how these rights serve as the cornerstone of a welfare-oriented state and demonstrate the country's dedication to social justice and equality by referencing key texts, significant rulings, and policy frameworks.

It has long been believed that the two fundamental pillars of a robust society are health and education. They characterize the development of nations as well as the progress of individuals. The rights to health and education are regarded as essential human rights that are necessary for the fulfillment of all other rights in contemporary social science and constitutional discourse. A person cannot freely enjoy life or pursue possibilities if they are not in excellent health. In a similar vein, people who lack education continue to be caught in cycles of marginalization, discrimination, and poverty.

As a developing nation with significant social diversity and economic inequality, India understands the critical need of ensuring that everyone has access to high-quality healthcare and education. The necessity for a welfare-oriented framework that may lead India toward social and economic fairness was highlighted by the Constituent Assembly during the

period of independence. Over time, judicial interpretation converted socio-economic rights into enforceable fundamental rights, despite their original classification under the Directive Principles of State Policy.

This paper examines the progression of these rights through:

- International instruments and treaties,
- Constitutional and statutory provisions,
- Judicial developments and landmark cases,
- Central and state welfare schemes,
- Challenges and structural gaps,
- Recommendations and policy reforms.

The aim is to present a comprehensive understanding of how India protects, promotes, and realizes the right to health and the right to education in theory and practice.

II. INTERNATIONAL HUMAN RIGHTS FRAMEWORK

- Universal Declaration of Human Rights (UDHR), 1948

Considering the Magna Carta of human rights, the UDHR lays down basic principles for a dignified life. Article 25 recognizes a person's right to health, including food, clothing, housing, motherhood, and childhood care. Article 26 guarantees the right to education, focusing on free elementary education and education directed toward human personality development. UDHR inspired various constitutions, including India's, and has influenced countless judicial decisions involving human dignity.

- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

The ICESCR affirms:

Article 12: Right to the highest attainable standard of physical and mental health.

Articles 13 & 14: Right to education, compulsory primary education, and progressive introduction of free education. India is a signatory to the ICESCR, making these rights binding under international law.

WHO, UNICEF and UNESCO Standards

These global organizations provide technical, financial, and policy support. WHO focuses on public health systems, disease control, and universal healthcare. UNICEF emphasizes child rights, immunization, malnutrition reduction, and schooling. UNESCO advocates for inclusive, equitable, and lifelong learning.

III. CONSTITUTIONAL PROVISIONS IN INDIA

Right to Life under Article 21 The Supreme Court has expansively interpreted Article 21 to include:

Right to health: According to the Right to Health, everyone has the right to the high-quality medical treatment, medications, and healthful surroundings they need to live a life of dignity. Although the Indian Constitution does not specifically mention this right, the Supreme Court has viewed it as a crucial component of the Right to Life under Article 21. This right encompasses not just medical care in hospitals but also preventive measures such as clean drinking water, hygienic conditions, nutrition, a pollution-free environment, and mental health. The government must develop policies, set up public health facilities, contain epidemics, and guarantee that everyone, especially the underprivileged and vulnerable, has access to cheap medical care.

Through judgments like *Consumer Education and Research Centre v. Union of India*¹ and *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*², the courts have emphasized that the State cannot deny timely and adequate healthcare, as it is fundamental to human survival and dignity.

Right to emergency medical care: A crucial part of the larger right to life and personal freedom is the right to emergency medical care. It guarantees that everyone, regardless of social or economic status, gets

emergency medical care. The State and medical facilities, both public and private, are positively obligated by this right to treat patients promptly, without delay or discrimination. Courts have underlined time and time again that a hospital cannot deny emergency care on the basis of financial hardship, document unavailability, or jurisdictional restrictions. The fundamental idea is that all administrative or procedural obstacles must yield to the preservation of human life.

The State's need to maintain effective emergency response systems, sufficient infrastructure, qualified staff, and easily accessible healthcare facilities is another aspect of this right. The legal system emphasizes that human life is of utmost importance and that neglecting to give emergency care is a violation of constitutional rights by acknowledging this entitlement.

Right to a clean environment: As a fundamental component of the right to life, the right to a clean and healthy environment has been incorporated into the constitutional framework. Human existence, dignity, and well-being depend on a clean environment. The State is required under this right to stop environmental deterioration, control industrial operations, and make sure that development plans are environmentally sound and sustainable. Additionally, it places obligations on people and businesses to refrain from actions that damage ecological balance or contaminate the air, water, or land. Access to potable water, clean air, appropriate waste disposal, and the protection of forests, wildlife, and natural resources are all included in the right.

Since ecological harm eventually impacts public health and the fundamental rights of future generations, judicial rulings have consistently reaffirmed that environmental protection cannot be surrendered for temporary economic gains. By acknowledging this right, constitutional law aims to balance developmental objectives with environmental concerns, making sure that advancement does not result in environmental devastation.

Right to mental health: Due to a growing understanding of health as a holistic notion that encompasses both physical fitness and mental well-being, the right to mental health has gained important constitutional relevance. The State must establish

¹1995 AIR 922, (1995) 3 SCC 42

²(1996) 4 SCC 37 or AIR 1996 SC 2426)

mechanisms to prevent mental disease, advance psychological welfare, and guarantee easily available, reasonably priced, and high-quality mental healthcare services in order to uphold this right. It protects people with mental health issues against cruel treatment, social stigma, and neglect.

It is expected of the State to provide sufficient community-based support systems, counseling services, rehabilitation facilities, and mental health specialists. Courts have increasingly ruled that it is a violation of the right to life and dignity to neglect to offer mental health care, particularly in public institutions, jails, and shelter homes. The legal system recognizes that emotional well-being is essential for a meaningful and productive existence and that society must foster circumstances that enhance psychological resilience and compassion by acknowledging mental health as a vital component of human rights.

Prior to the addition of Article 21-A, the right to education was: Through the acquisition of knowledge, the development of skills, and the full participation in social, economic, and political life, the right to education empowers people. It has been acknowledged as a fundamental right that guarantees free and compulsory education up to a certain age, particularly for children. The State is required by this right to provide sufficient educational facilities, qualified educators, suitable infrastructure, and inclusive curricula that advance human growth and equality. Additionally, it mandates that education be available to everyone without distinction on the basis of gender, caste, religion, handicap, economic standing, or place of residence.

The possibility for meaningful learning, critical thinking, and personality development are all included in the right, which goes beyond mere literacy. Courts have consistently stressed that denial of educational opportunity compromises both human dignity and national advancement, and that education is the cornerstone for exercising other rights. The legal system anticipates an informed populace that can support democracy, justice, and social change through this right.

Article 21-A and the Right to Education Act, 2009³: Article 21-A, which was added by the 86th Constitutional Amendment, emphasizes the State's

duty to provide access to meaningful primary education by guaranteeing free and compulsory education to all children between the ages of six and fourteen. The Right of Children to Free and Compulsory Education Act (RTE Act), which puts the guarantee into action, operationalizes this fundamental requirement. In order to provide students with access to education regardless of their location, the Act mandates the creation of neighborhood schools. In order to uphold academic standards and encourage successful learning, it also requires the appointment of skilled and educated teachers. Additionally, the RTE Act forbids all forms of discrimination, physical punishment, and mental harassment in educational settings, guaranteeing a secure and welcoming atmosphere for all children. The requirement that private schools set aside 25% of their seats for students from underprivileged and economically challenged groups is another noteworthy aspect that encourages social integration and equitable opportunity. The RTE Act offers the constitutional goal of universal, equitable, and high-quality elementary education tangible form through these measures.

- Directive Principles of State Policy (DPSPs)

DPSPs, though non-justifiable, guide state policy:

Article 41: Right to work, education, and public assistance⁴: An essential Directive Principle is embodied in Article 41 of the Constitution, which instructs the State to protect the rights to employment, education, and public assistance in situations including unemployment, old age, illness, disability, and other situations of unjustified need.

Article 45: Early childhood care and education⁵: The State is required by Article 45 of the Constitution to provide early childhood care and education to all children until they reach the age of six. Article 45 was originally intended to provide free and obligatory schooling for all children up to the age of fourteen. However, this obligation was transferred to Article 21-A following the 86th Constitutional Amendment, and Article 45 was reworded to explicitly address early childhood development.

Article 47: Duty of the state to raise nutrition levels and improve public health⁶: According to Article 47 of the Constitution, the State's main duties include raising the standard of life, promoting public health, and

³ Constitution of India

⁴ Constitution of India

⁵ Constitution of India

⁶ Constitution of India

improving nutrition. The idea that proper nourishment and good health are essential to social advancement and human growth is reflected in this Directive Principle. It requires the State to take proactive steps to prevent diseases, lessen hunger, and guarantee that everyone has access to clean drinking water, healthy food, and necessary medical treatment.

IV. RIGHT TO HEALTH IN INDIA

In India, the right to health is acknowledged as a crucial aspect of human well-being through a variety of laws, regulations, court rulings, and welfare programs. Courts have ruled that the State has an obligation to enhance health infrastructure and that emergency medical care cannot be refused, interpreting the right to health as a component of the fundamental right to life under Article 21. Additionally, mental health has been acknowledged as a crucial component of general wellbeing. Through laws like the Mental Healthcare Act of 2017, the Clinical Establishments Act of 2010, the National Food Security Act of 2013, the Drugs and Cosmetics Act of 1940, and the Epidemic Diseases Act of 1897, which together regulate healthcare services, safeguard public health, and guarantee access to medical care, India has established a comprehensive framework. In addition to these laws, the National Health Mission⁷, Ayushman Bharat Yojana⁸, Janani Suraksha Yojana⁹, Pradhan Mantri Jan Arogya Yojana¹⁰, and Poshan Abhiyan¹¹ are important programs that aim to offer financial protection, nutrition, maternal and child health support, and increased access to services. The national health policies of 1983, 2002, and 2017 have set long-term goals for improving healthcare delivery. The effective realization of the right to health across the nation is still hampered by a number of serious issues, including a lack of physicians and nurses, poor rural healthcare infrastructure, high medical costs, a lack of mental health facilities, corruption, poor management, and a clear urban-rural divide.

V. RIGHT TO EDUCATION IN INDIA

⁷ April 12, 2005

⁸ September 23, 2018

⁹ April 12, 2005

¹⁰ September 23, 2018

¹¹ March 8, 2018

Education is a fundamental instrument for building an egalitarian society and enables people to overcome socioeconomic obstacles. The Supreme Court recognized that meaningful life and liberty cannot exist without access to education, and even prior to the addition of Article 21-A, it had viewed the right to education as an essential component of dignity under Article 21. Building on this knowledge, the National Education Policy (NEP) 2020 offers a transformative vision for the educational system by strengthening early childhood care, fostering critical thinking, encouraging holistic and multidisciplinary learning, and providing a flexible curriculum.

Increasing the Gross Enrollment Ratio (GER) in schools and higher education is one of its main objectives. A number of enduring issues, including out-of-date curricula, the growing digital divide, teacher absenteeism, regional differences in school facilities, and high dropout rates, especially among females, continue to impede development despite these progressive measures. Together, these problems limit the full realization of educational rights and emphasize the necessity of long-term changes and successful execution.

VI. JUDICIAL DEVELOPMENTS: CASE ANALYSIS

Right to Health:

- Parmanand Katara v. Union of India¹²: Doctors must provide immediate medical aid to save life.
- Paschim Banga Khet Mazdoor Samity v. State of West Bengal¹³: State cannot deny medical treatment due to lack of facilities.
- Sukdeb Saha v. State of Andhra Pradesh¹⁴: Reinforced mental health as a crucial component of the right to life.
- Consumer Education & Research Centre v. Union of India¹⁵: Health and medical care are integral to Article 21.

Right to Education:

¹² 1989 AIR 2039 1989 SCR (3) 997 1989 SCC (4) 286 JT 1989 (3) 496 1989

¹³ (1996) 4 SCC 37

¹⁴ 2025 INSC 893

¹⁵ 1995 AIR 922, 1995 SCC (3) 42, JT 1995 (1) 636

- Mohini Jain v. State of Karnataka¹⁶: Education is a fundamental right
- Unni Krishnan v. State of Andhra Pradesh ¹⁷: State must provide free education up to age 14.
- T.M.A. Pai Foundation v. State of Karnatak¹⁸: Autonomy of educational institutions.
- Pramati Educational Trust v. Union of India¹⁹: Upheld constitutionality of RTE Act.

VII. HUMAN RIGHTS PERSPECTIVE

According to human rights, health and education are crucial instruments for equality and empowerment that allow people to live respectable, independent lives. Societies can lessen discrimination and establish settings where everyone can fully engage by guaranteeing access to these fundamental rights. By increasing awareness, critical thinking, and the ability to make well-informed decisions, education and good health also enhance decision-making.

By allowing citizens to participate actively and responsibly in public life, these rights uphold democratic values. Additionally, by increasing possibilities for women and girls and removing long-standing social barriers, they play a critical role in advancing gender equality. In the end, acknowledging health and education as human rights contributes to the achievement of social and economic justice, creating a society that is more inclusive, just, and equal.

VIII. WELFARE STATE AND SOCIAL JUSTICE

India's concept of a welfare-oriented state that prioritizes justice, equality, and the general well-being of its citizens is shaped by the Preamble and the Directive Principles of State Policy. A key component of this constitutional ideology is the realization of the rights to health and education, which directly reduce poverty by enhancing people's capacities and possibilities. Economic mobility rises when people have access to meaningful education and high-quality

healthcare, enabling citizens to end intergenerational cycles of poverty.

By fostering a population that is healthier, more competent, and more productive, these rights also contribute significantly to the growth of the country. The constitutional promise of a just and inclusive society is further strengthened by the guarantee of health and education for all, which promotes social peace, lessens inequality, and develops a sense of communal progress.

IX. CONTEMPORARY ISSUES

In India, there are still a number of barriers to the successful implementation of health and education rights, chief among them being growing privatization, which frequently pushes vital services out of the reach of those with lower incomes. This gap is further widened by expensive medical care, which prevents many people from accessing high-quality healthcare. Equal opportunities in health and education are also severely hampered by persistent disparities based on caste, gender, and geography. In addition, those without access to digital resources are disadvantaged by technological constraints, particularly in rural and underprivileged populations. Furthermore, persistent underfunding of public institutions impairs the availability and quality of necessary services, impeding the larger objective of guaranteeing fair and universal access to health and education.

X. CONCLUSION

The foundation of both national progress and individual empowerment is the right to health and education. Human rights concepts and constitutional safeguards provide a solid foundation for their implementation. However, there are still issues with accessibility, awareness, and execution. To improve these rights, a comprehensive strategy that incorporates judicial activism, public involvement, policy reform, and administrative effectiveness is necessary. A country's strength is found in its steadfast

¹⁶ 1992 AIR 1858, 1992 SCC (3) 666, 1992 SCR (3) 658.

¹⁷ (1993) 1 SCC 645; 1993 AIR 217; 1993 SCR (1) 594

¹⁸ (2002) 8 SCC 481; AIR 2003 SC 355; (2002) 8 SCALE 1

¹⁹ (2014) AIR 2014 SC 2114; (2014) 8 SCC 1; (2014) 11 SCR 712

dedication to preserving the welfare and dignity of its citizens, not just in its economic expansion.

[4] Ministry of Education, NEP 2020: National Education Policy (Government of India 2020).

XI. SUGGESTIONS AND REFORMS

India must implement a wide range of changes targeted at bolstering public systems and enhancing service delivery in order to successfully protect the rights to health and education. To improve access to high-quality care, lower out-of-pocket costs, and expand facilities, public health spending must be increased. Students' general well-being and learning environment would be greatly improved by enhancing mental health services and upgrading school facilities. Improving teacher preparation is also essential for raising educational standards, and closing the digital divide would guarantee that advances in technology benefit all facets of society.

The effectiveness and scope of social programs can be increased by lowering corruption and advancing awareness campaigns. Lastly, putting in place more robust accountability frameworks would guarantee openness, appropriate policy execution, and fair access to health and educational services throughout the nation.

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