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Subject - Indian constitution (MC-IT-501) CA-2

Exam

Question "How the education and health care is ensured to the citizens by the constitution of India".

Answer - The Indian

constitution has provisions to ensure that the state provides education to all its citizens.

Under Article 42 of the constitution, an amendment was added in 1976 and education became a concurrent list subject which enables the central government to legislate it in the manner suited to it.

The 86th constitutional amendment making education a fundamental right was passed by parliament in 2002.

Both the constitutional amendment and the new law came into force from 1st April 2010. The new law makes it obligatory on part of the state governments and local bodies to ensure that every child gets education in a school in the neighborhood. The constitution 86th Amendment Act has now inserted Article 21A in the constitution which makes education a fundamental right for children in the age group of 6-14.

it obligatory for the appropriate governments to ensure that every child gets free elementary education.

The Act mandates that even private educational institutions have to reserve 25 per cent seats for children from weaker sections. The Act says no school can deny admission to a student and all schools need to have trained teachers. As per the new law, the schools need to have certain minimum facilities like adequate teachers, playground and infrastructure. The government will evolve some mechanism to help marginalized schools.

Health is a vital indicator of human development and human development is the basic ingredient of economic and social development. In India, the right to health care and protection has been recognized, since early times, Independent India approached the public as the right holder and the state as the duty-bound primary provider of health for all. AS OUR COUNTRY IS A FOUNDER MEMBER OF THE UNITED NATIONS, IT HAS RATIFIED VARIOUS INTERNATIONAL CONVENTIONS PROMISING TO SECURE HEALTH CARE RIGHT OF INDIVIDUALS IN SOCIETY. However, Article 21 of the Constitution of India guarantees a fundame

ntal right to life & personal liberty. The expression life in this article means a life with human dignity & not mere survival or animal existence. It has a wider meaning which includes right to livelihood, better standard of life, hygienic condition in workplace & leisure.

Article 21 should be read with Articles 38, 42, 43, & 47 to understand the nature of the obligation of the state in order to ensure the effective realization of this right.

RIGHT TO HEALTH AND THE PREAMBLE OF THE CONSTITUTION

The Preamble of the Constitution of India, which strives to provide for welfare state with socialistic patterns of society under the Article 21 of the constitution, guarantees the right to life & personal liberty.

The concept of democratic socialism aims to improve the condition of health care of the people. The principle of socialism is also embodied in various provisions of Part III & Part IV of the constitution. Right to health is nowhere mentioned in the constitution, the Supreme Court has interpreted it as a fundamental right under Right to life enshrined in Article 21.

$$a \cdot b = b \cdot a \quad a + b = b + a \quad a^m = a^n \quad a^m \cdot a^n = a^{m+n}$$