

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

STARRED QUESTION NO:149

ANSWERED ON:02.12.2005

FUNDAMENTAL RIGHTS

Gaikwad Shri Eknath Mahadeo; Mane Smt. Nivedita

**Will the Minister of LAW AND JUSTICE be pleased to state:**

(a) Whether there is any proposal under consideration of the Government for making right to work, shelter, education and health for all as fundamental rights;

(b) if so, the details thereof;

(c) the steps taken by the Government in this regard; and

(d) the time by which a final decision in this regard is likely to be taken?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI H.R BHARDWAJ)

(a) to (d): A Statement is laid on the Table of the House.

Statement in reply to parts (a) to (d) of the Lok Sabha Starred Question No. 149 to be answered on 2.12.2005.

Right to Education:

The Right to Education has been made a fundamental right by inserting a new Article 21 A in the Constitution of India which provides that 'The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.' The Government has also launched Sarva Shiksha Abhiyan with the following goals:

- i) All 6-14 age children in school
- ii) Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010;
- iii) Universal retention 2010.
- iv) Focus on elementary education of satisfactory quality with emphasis on education for life;

Right to Shelter:

The Supreme Court of India has observed in the following cases that right to shelter is integral part of the fundamental right to life under Article 21 of the Constitution:

- i) Shiv Sagar Tiwari Vs. UOI & Ors. AIR 1997 SC 2725
- ii) State of Karnataka Vs. Narasimhamurthy- AIR 1996 SC 90
- iii) U.P. Avas Evam Vikas Parishad & am. Vs. Friends Co-op. Housing Society Ltd. & am. - In AIR 1996 SC 114
- iv) Chameli Singh Vs. State of U.P.-1996 AIR SCW 542

However, there is no proposal to expressly make right to shelter a fundamental right.

## Right to Health

As regards right to health also the Supreme Court in the matter of Consumer Education and Research Centre & Ors. Vs. UOI & Ors. has held that the right to health, medical aid to protect the health and vigour of a worker while in service or post retirement is a fundamental right under Article 21, read with Articles 39(e), 41, 43 and 48A. However, no proposal is under consideration of the Government to expressly make health as fundamental right.

## Right to Work

Right to work has not expressly been made a fundamental right but the Supreme Court has, in the matter of Shiv Sagar Tiwari Vs. UOI & Ors., held that right to life, livelihood and shelter are so mixed, mingled and fused that is difficult to separate them. But the right to work by itself is not expressly said to be a fundamental right by the Court. There is no proposal under consideration of the Government to expressly make work as fundamental right. However, the UPA Government in accordance with the Common Minimum Programme has introduced the National Rural Employment Guarantee Bill, 2005 which, with the wholehearted support of the Parliament was enacted into an Act on 5.9.2005. With the availability of the resources the Government will expand the scope of the benefits under the Act.