

[C Raj Kumar](#)

## **The ends cannot justify the means**

The United Nations Development Programme (UNDP) recently released its Human Development Report 2013. The theme of this year's report is 'The Rise of the South: Human Progress in a Diverse World'.

The UNDP began publishing the Human Development Report (HDR) since 1990 in response to a growing need and aspiration to evolve an alternative measure to assess the development in countries. It developed an index viz, the human development index (HDI) for ranking countries according to their achievement of human well-being. The HDR 2013 ranked India as 136 out of 187 countries.

During the years 1980-2012, India's HDI rose from 0.345 to 0.554. However, India's HDI is below the regional average. The HDI of South Asia increased from 0.357 in 1980 to 0.558.

The fact that HDI depends upon the progress achieved by countries in three dimensions: health, education and income, underscores the importance of economic and social rights in the development paradigm.

Further, the sustained struggle of the human rights movement created a meaningful integration between civil and political rights and economic and social rights. These rights have become the basis of empowering people and enhancing the transparency and accountability of institutions.

To have a particular right is to have a claim on others and this takes us beyond the idea of human development. Many of the tools developed by the human development approach measure the outcomes of social arrangements, the end results, but do not pay much attention to the means by which those outcomes are realised. It is only when the human rights approach is added to human

development efforts that we can be true to Mahatma Gandhi's dictum that the ends can never justify the means.

Human development analysis, with its focus on scarce resources and the need to prioritise choices, can enrich human rights discourse. Human rights advocates assert that all human rights are indivisible and equally important. Paucity of resources and capacity deficits force us to prioritise investment and effort to realise different rights as a matter of public policy choice.

Education as an economic and social right has been on the centrestage in the Indian Constitution. The real impetus, however, was created by the judicial process through several public interest litigations, which carved the future of the right to education in India.

While the Mohini Jain v State of Karnataka case recognised the state's duty of providing educational institutions, by either establishing state institutions or recognising private ones, the Unnikrishnan JP v State of AP case recognised India's obligation and commitment to make the right to education a fundamental right under the International Covenant for Economic Social and Cultural Rights. The Right to Free and Compulsory Education Act, 2009 (RECAT), which came into force on April 1, 2010 is truly revolutionary.

The Bhore Committee's Report (1946) provided a comprehensive and universal healthcare system for the Indian masses, which was not adequately taken into account in the early planning process.

In 2005, the Centre launched the National Rural Health Mission (NRHM) to improve access to the quality of healthcare to the poor in rural areas. Despite some progress in several dimensions of healthcare like infant mortality, death rate, immunisation, etc, a lot still needs to be done.

The rights-based jurisprudence for health has not developed as strongly as it has in the context of the right to education. The Supreme Court explicitly for the first time held the right to health as part of the right to life under Article 21 in Consumer Education and Research Centre v Union of India.

The court read Article 21 with the relevant directive principles of state policy in the Constitution, holding that the right to health and medical care is a fundamental right.

Rights may chart avenues of good governance. At the same time, adherence to human rights creates the conditions for good governance. Legal enforcement mechanisms for enforcing human rights laws which guarantee people fundamental rights and freedoms can accelerate human development by infusing a moral imperative into public policies designed to broaden the choices of people to secure the things which they have reason to value.

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Thanks and best regards

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