

Hello students today I will discuss on the subject of health and law, Programme 3<sup>rd</sup> year B.A.LL.B Subject Law, Semester B.A.LL.B Semester VI/ LL.B Degree, Semester III, Course Code HOL 0617 Course title Health Law. Unit I Right to health under the Constitution of India, Name of the module is Right to health under the Constitution of India and National Health policy.

### **Outline**

- Introduction
- Health is Multidimensional
- Health Right of Vulnerable Groups
- Emergency Medical Care
- DIRECTIVE PRINCIPLES
- Case Laws

### **Learning Outcomes**

Students will be able to learn the constitutional provision which guarantee Right to Health under the Constitution of India.

### **Introduction**

The World Health Organization (1948) defined health as, "Health is a state of Complete Physical, Mental and Social wellbeing and not merely an absence of disease or infirmity."

#### **Health is Multidimensional.**

- As per the definition of WHO health points out three dimensions:
  1. Physical
  2. Mental
  3. social
- 4. In ancient times health was known as the 'absence of disease'.
- 5. The modern medicine is more for the study of diseases than for the study of health.
- 6. In 1979 the United Nations has adopted health as an integral part of socio-economic development.

#### **Health Right of Vulnerable Groups**

- i. Health care of Children
- ii. Health right of women
- iii. Right to health of mentally-ill persons
- iv. Prisoners' right to health

#### **Emergency Medical Care**

1. Accident
  - i. Road accidents
  - ii. Rail accidents
  - iii. Collapses
  - iv. Natural calamities
2. Delivery
3. Bites
4. Cardiac and Coronary attacks

## **DIRECTIVE PRINCIPLES**

- Article 39: Certain Principles of policy to be followed by the State.
- Article 47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health.
- Article 48-A: Protection and improvement of environment and safeguarding of forest and wild life.
- Article 51-A: Fundamental Duties
- Article 21: Protection of Life and personal liberty.

**P. Nalla Thampi**

**V/s**

**Union Of India**

Supreme Court held that Article 21 is respository of various human right which include right to health.

**M.C. Mehta**

**V/s**

**UOI**

**AIR 1978 SC 597**

Relaying partly on Article 21 SC issued direction that life, Public Health and ecology have priority over unemployment and loss of revenue.

**Parmanand Katara**

**V/s**

**Union Of India & Others**

The supreme court referred to the Code of Medical Ethics and said that "Every Doctor whether at government hospital or otherwise has the professional obligation to extend his service for protecting life.

Article 21 and Right to Health

Case Law:

**Paschim Banga Khet Mazdoor Samity and others**

**V/s**

**State of west Bengal and Anothers**

Supreme Court held that the denial of emergency aid due to non availability of bed in the government hospital amounts to violation of the right to life.

Thank you