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The Effect Of The Right To Health On India's Legal Public Health Care System

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Abstract: *The right to health, acknowledged as a fundamental human right in multiple international treaties and implicitly stated in Article 21 of the Indian Constitution, has profoundly shaped the development of India's legal public health care system. Indian courts have said that this right includes getting medical care that is timely, cheap, and of high quality. The incorporation of this right into legal discourse has incited judicial activism, necessitating the state to guarantee the provision of necessary healthcare infrastructure, services, and medications, especially for vulnerable populations. Important decisions by the Supreme Court and High Courts have influenced public health policy and made it clear that the government has a responsibility to provide full health care. These decisions have dealt with problems like maternal health, mental health, environmental factors that affect health, and the rights of groups that are often left out. In addition, laws and health programs have changed in reaction to court orders to meet constitutional requirements. However, even though the law recognizes them, there are still problems with putting them into action because of problems with infrastructure, administration, and social and economic differences. The disparity between legal entitlements and actual circumstances persists in obstructing the attainment of equal healthcare for all. This paper examines the dynamic relationship between the constitutional right to health and the public healthcare system, emphasizing judicial interventions, policy advancements, and structural obstacles that hinder the complete fulfillment of health as a justiciable right. To make the constitutional goal of health care as a basic right for every Indian citizen a reality, it is important to strengthen legal responsibility, improve public health governance, and make sure that there is enough money in the budget.*

Keywords: Right to Health, Public Health Law, Indian Constitution, Judicial Activism, Health Policy,

Introduction: Health has been considered the most essential component of human existence from the beginning of time. The significance of maintaining one's health has steadily increased over the course of human evolution, from apes to humans. Prior to the birth of science, people held the belief that the curse of God was the cause of all illnesses. Since the beginning of human history, people have been looking for ways to improve their health, including treatments, methods, and strategies [1]. Because of the need to survive, it was necessary for man to find treatments for a wide variety of human ailments. In spite of the fact that man had previously believed that illness and death were all natural occurrences, he eventually came to realize that both of these things could be prevented and healed via the intervention of humans. As scientific knowledge progressed, it became increasingly apparent that the underlying cause of poor health is not the favoritism of God but rather the actions of human beings. As a result, "we came to the realization that an individual's health is determined and impacted by a good food, a clean environment, and a peaceful mind, regardless of the individual's age, gender, race, region, or any other factors" [2].

In contemporary times, the law has been an essential component in the process of governing the overall health of society as well as the health of the community. The public's understanding of the need of protecting and improving community health has significantly expanded as a result of the growth of international links among nations and the progression of civilization [3]. As a result of the proliferation of diseases such as "cholera, chicken pox, plague, and other outbreaks that impacted a huge population all at once, the authorities were compelled to develop techniques for the management and prevention of these ailments. As time went on, the importance of public health protection, vaccination, drainage, sanitation, and hygiene rapidly expanded, highlighting the fact that it is essential to take care of one's personal health as well"[4].

In this particular instance, the first section of the essay is dedicated to analyzing the introduction, and the second section is devoted to analyzing the pertinent regulations that control the regulation of medical practice. Sections 3 and 4 provide an explanation of the objective of the public and private effort, Section 5 provides a discussion of the work, and Section 6 provides a conclusion to the project.

Factors Influencing Legislation for the Regulation of Medical Practice in Healthcare- "After World War II ended, global health care and the right to health became more important. Because of this, the United Nations and its related groups, like the World Health Organization, are particularly interested in making the right to health a basic human right that



applies to everyone on Earth. This is predicated on the idea that sickness doesn't care about things like gender, religion, caste, or community and doesn't care about national borders. When people are exposed to unsafe environmental circumstances and don't have access to healthy, well-balanced food, their health is greatly affected". This is especially true for most people who are poor or weak in society.

In 1943, the government of India established the Health Survey and Development Committee, which is also known as the Bhore Committee. The purpose of this committee was to investigate the current situation of health across the entire nation.

The report that was provided by the Bhore Committee in 1946, which was just before the country gained its independence, made it abundantly evident how dire the situation was for the nation's health at that time. In addition to this, "it emphasized the importance of having a health care administration that is open and honest, and it specified precise criteria to ensure that all residents have access to adequate medical care and health services in order to maximize the benefits that the community receives"[5].

The ideas of the "right to health and health care have grown over time to include everyone on the planet and health for everyone. The globe Health Organization and the United Nations Organization both work to improve the health of everyone in the globe by giving them better living conditions. All of their member states have been affected by this, and they have been pushed to make their own health programs in order to make health conditions far better. Consequently, health is perceived as including more than mere lack of illness or impairment; it also includes the individual's overall well-being in all dimensions of their bodily, mental, and social existence"[7].

Several laws have been enacted in India to regulate "medical and healthcare facilities, as well as to protect and enhance public health in compliance with international conventions and declarations. These laws have been made in order to fulfill the aforementioned objectives. Almost immediately after the country gained its independence, the Constitution of India, which is the supreme law of the land, included a number of provisions that were designed to better protect people's health. It is mandatory for the state to implement the Directive principles that can be found in Part IV of the Indian Constitution when it comes to the enactment of national laws. In order to properly administer the country, these ideas are absolutely necessary. The provisions of Articles 39, 42, 47, and 48 of the Constitution impose a responsibility on the state to protect, promote, acknowledge, and respect the health and well-being of its citizens".

Meaning Of Right To Health- One of the most difficult issues to solve is figuring out what constitutes health. Over the course of history, several definitions of health have been presented as a consequence of this reason. The "Webster Dictionary defines health as the state of being sound in body, mind, or spirit, especially freedom from physical disease or pain. This is the definition of health. The Oxford English Dictionary defines 'health' as the state of being in which one's body or mind is in a state of soundness; that condition in which its functions are duly and efficiently discharged".

The "right to the highest possible quality of health includes a lot of things, such as medical care, access to clean drinking water, proper sanitation, education, health-related information, and other things that affect health. To uphold the right to health, it is essential to possess a health system that is of superior quality, readily accessible, integrated, and responsive. Public health and medicine are related ideas that help shape the modern idea of health. Public health is more focused on the health of the whole population than medicine, which is more focused on the health of the individual. In other words, medical and other health care services have historically focused on individual health, primarily concerning physical ailments and, to a lesser degree, mental disorders and disabilities"[8].

Conversely, "public health refers to the maintenance of conditions conducive to individual health [9]. The purpose of public health, then, is to promote health by stopping people from getting sick, becoming disabled, or dying at a younger age. So, from a public health point of view, being able to get medical care and other types of health care is not the same as being healthy, even though it is one of the things that makes you healthy. Health affects the most private part of a person's life in some way. This is the most important thing you need to be happy. A person's physical and mental health are important parts of who they are. And when it comes to a person's overall personality, both men and women need to think about a lot of things, like their highs and lows, the highs and lows in their lives, their environment and how they grew up, the people they are friends with and the people they are close to, and the people they are close to". The WHO says that "health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity. This is the definition that is most commonly used right now. The Declaration of Alma Ata, published in 1978, said that an expansion of health was a social goal whose realisation requires the action of many other social and economic sectors in addition to the health sector. The World Health Organization has played a big part in this growth by greatly expanding and extending the tasks and responsibilities of health professionals and their connection to the wider community".

Consequently, the modern concept of "health incorporates not just medical care but also larger social components and the context of both individual and society well-being. This is because health embraces it all. It is probable that the most thorough expression of the expanded meaning of health can be found in the preamble to the World Health Organization Constitution. This Constitution declares that enjoying the best possible health is one of the fundamental rights of every individual".[10]

Legal Rights of the Patient: Right to Know About Their Own Health- Every "individual patient has the right to receive unambiguous information regarding their current state of health from their physician or any other service



provider, as well as the opportunity to verify any documents and reports that are pertinent to their condition. If the patient feels that any errors have been made, they have the right to request that the appropriate medical authorities remedy them"[11].

Right to Free Choice- The individual who is being treated must be given the opportunity to make decisions regarding the diagnostic procedures and treatments that they will undergo, as well as the hospitals and specialists that they will consult. In the event that a patient lacks confidence in their physician at any point over the course of their treatment, they should be allowed to consult with any other physician.

Right to Privacy and Confidentiality- Having the right to privacy and confidentiality is among the most important rights that a patient can have. For the purpose of "preserving the confidentiality of the services, diagnosis, scientific research, and technological innovation that are made available to members of the general public who are in need of medical care, the information that pertains to the state of health of an individual as well as the medical and surgical treatment must be protected as a confidential matter".

Right to Safety- To keep everyone safe from "injuries that could be caused by medical professionals, service providers, medical mistakes, or misconduct, strict safety standards must be followed. For this to happen, hospitals and other health services must make sure that all operators of medical devices are trained, maintained, and validated correctly on a regular basis"[12]. They also need to make sure that risk factors are checked on a regular basis.

Right to Complain- If a "person is harmed, does not receive the service or treatment to which they are entitled, or is dissatisfied, they have the right to file a complaint and receive a satisfactory answer from the appropriate authorities. To allow patients to exercise or enjoy their rights, the health sector must offer them with accurate information about their rights. Patients will be able to identify abuses of their rights and file legal complaints when necessary".

Right to Compensation- Any individual "who has suffered a physical, moral, or mental injury as a consequence of obtaining treatment at a healthcare facility has the right to receive appropriate compensation within a reasonable amount of time". This right applies to all types of injuries.

Public Health And Private Health- As a result of the fact that "it encompasses both private and public health, the term "health" is quite inclusive. There is a possibility that the social elements that are significant for private health and those that are significant for public health are not same. Other people's interests may occasionally come up in public health cases, in addition to the interests of the individual who is affected by the situation. The interests of the community are also involved in these circumstances. As a consequence of this, rules that deal to epidemic diseases may prescribe those particular activities must be performed for the good of the patient as well as for the benefit of society as a whole [6]. When it comes to persons who are violent, people who are mentally ill, and other scenarios, it is possible that there is a distinction between public and private health regarding these individuals. When it comes to matters concerning the patient's personal health, however, the conventional procedure is to request the patient's consent. Alternately, if there is a threat to the general population's health, a different approach may be taken. In order to prevent the spread of potentially fatal illnesses, it is necessary to adopt some prophylactic measures, regardless of whether or not the patients have given their permission".

In this particular instance, the legislation departs from its typical approach, which lays a greater emphasis on the autonomy of patients and gives public health concerns a higher priority. "In exceptional circumstances, it seems that the law is applying the principle known as *Salus Populi Suprema Lex*, which asserts that the welfare of the people is at the forefront of the legal system. The ability of a rights-based approach to health, in particular the plan to combat and finally eradicate communicable illnesses, is what is meant when health and human rights are discussed in a broader context [13]. Additionally, it refers to the right to the highest attainable level of health as well as other rights that are related with it".

From a different perspective, "the distinction between public and private health is relevant in the Indian context. Article 246 of the Indian Constitution states that the Union and the Indian nations share legislative authority. Legislative lists detail the specifics of the allocation, identifying specific topics that the federal government and the various provinces and territories are responsible for handling. While the topic of "public health and sanitation, hospitals and dispensaries" has its own entry in the themes that are allocated to the States (State list, Entry 6), a few other health-related issues are covered in a few scattered entries. It is vital to note that these additional health-related topics are addressed in other articles for the time being. The terms "private health" in its particular connotation and "health" in its broadest definition are not discussed. It is always possible to consult the residuary item, which is item 97 on the Union list, if there are any questions. This item gives the parliament the power to pass laws on any topic that isn't addressed by the Concurrent List or the State List".

RESULTS AND DISCUSSION- In addition to state authorities, non-state actors including private companies, non-governmental organizations, and people with a strong public service commitment are also responsible for creating safe and healthy working environments. Workers who are exposed to hazardous or unclean workplaces are more likely to suffer from industrial diseases like asbestos and lead poisoning as well as catastrophic accidents. "In addition to being detrimental to everyone's interests, often unfavorable working conditions—like long workdays, little downtime, and no paid holidays—can also be harmful to one's health. This is due to the fact that these ailments are harmful to general health. The health and well-being of the entire population are negatively impacted by environmental degradation. Exposure to hazardous or contaminated settings, such as contaminated air, water, or soil; radiation from these sources; or exposure to heavy metals or hazardous chemicals can all have a negative impact on an individual's health or the health of a community as a whole. Each



of these elements has the potential to seriously harm a person's health. In order to take preventative measures against nuclear accidents and to ensure prompt action in the event that one occurs, a comprehensive awareness of the risk is crucial for the aim of averting disasters of any kind, including the 1984 Bhopal Gas Leak case. In this regard, it is the responsibility of the governments to inform the public of any environmental hazards that could endanger the lives of local residents or the wider public's health [14]. At the local, national, and international levels, the public should also participate in and contribute to all health-related decision-making processes. However, access to health information does not mean that a patient's private medical records, which should be maintained with almost secretariat care, have to be made public. It is not necessary to disclose such records. The state must create and implement education and prevention programs to prevent, treat, and control occupational diseases, endemic diseases, and other diseases. Additionally, these programs need to be put into action. Additionally, health information must be accessible throughout the state, especially in isolated rural or mountainous regions".

CONCLUDING REMARKS: The recognition of the right to health as an essential component of the right to life under Article 21 of the Indian Constitution has played a transformative role in shaping India's legal public health care system. Judicial interpretations and interventions have expanded the scope of this right, mandating the state to provide accessible, affordable, and quality health services to all citizens, especially the marginalized and vulnerable. Landmark rulings have not only reinforced the obligation of the government to uphold this right but have also catalyzed important policy shifts and the development of targeted health schemes.

Despite these legal advancements, the translation of constitutional and judicial mandates into effective public health outcomes remains uneven. Infrastructural inadequacies, administrative inefficiencies, underfunding, and socio-economic disparities continue to hinder the full realization of the right to health. The gap between legal frameworks and practical implementation highlights the need for sustained political will, stronger accountability mechanisms, and community participation in health governance.

To bridge this divide, a rights-based approach to health care must be institutionalized through comprehensive legislation, increased public investment, and robust regulatory oversight. Strengthening primary health care, ensuring equitable access, and addressing the social determinants of health are essential to fulfill the constitutional promise. Ultimately, making the right to health a lived reality requires not only legal recognition but also a systemic commitment to health equity, social justice, and inclusive development.

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