



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Right to Health in India: Contemporary Scenario Essential Demand declare to Fundamental Right

ShashiKant Kumar Priyadarshi

Research Scholar

Political Science Department

VKS University Ara Bihar

Abstract:

Right to Health Should be demand to declare fundamental right. understanding health as a human right creates a legal obligation states to ensure access to timely, acceptable and affordable health care of appropriate quality as well as to providing for the underlying determinants of health, such as safe and potable water, sanitation food, housing, health related information and education and gender equality the right to health must be enjoyed without discrimination on the grounds of race, age, ethnicity or any other status like economic poor and rich. Rights based approaches is meaningful participation that means ensuring that national state-holders including non-state actors such as non-governmental organisations are meaningfully involved in all phases of programming, assessment, analysis, planning, implementation, monitoring and evaluation, right to a system of health protection that gives everyone an equal opportunity to enjoy the highest attainable level of health. Right to Health including through the allocation of maximum available resources to progressively realise this goal is reviewed through various international human rights mechanisms such as the universal periodic review, or the many committee on economic, Social and cultural rights in many cases, the right to health has been adopted into domestic law or constitution law. Indian Constitution provided fundamental right part-III article 12 to 35, article 14 to 18: right to equality and article 19 to 22: right to freedom, article-21: right to life and personal liberty in this article-21 intrinsic part of right to Health, right to water, right to environment or air many types intrinsic who so ever essential component of life including right to health.

Keywords: Health , Fundamental Right , Human Development , UNDP , Index , liberty ,

Introduction: Right to Health is intrinsic and intergal part of right to life and personal liberty Indian Constitution article 21. The who constitution 1946 envisages.....the highest attainable standard of health as a fundamental right to every human being." Health as a fundamental right created a legal obligation on states to ensure access to timely, acceptable and affordable health care of appropriate quality as well as to providing for the underlying determinants of health such as safe and potable water, Sanitation, food, housing, health-related information and education and gender equality. core elements of a right to health progressive

realization using maximum available resources, governments take immediate steps towards the fulfilment of the rights regardless of resource capacity, the elimination of discrimination and improvements in the legal and juridical systems must be acted upon with immediate effect. Non retrogression states should not allow the existing protection of economic, Social and cultural rights to deteriorate unless there are strong justifications for a retrogressive measure core components of right to health: WHO Constitution of right to health article 12 was defined in general comment 14 of the committee on economic Social and cultural rights a committee of independent experts responsible for overseeing adherence to the convention(4) the right includes the following core components:-

Availability: refers to the need for a sufficient quantity of functioning public health and health care facilities, goods and services as well as programmes for all. availability can be measured through the analysis of disaggregated data to different and multiple stratifications including by age sex location and socio-economic status and qualitative surveys to understand coverage gaps and health workforce coverage.

Accessibility: requires that health facilities goods and services must be accessible to everyone accessibility has four overlapping dimensions: non-discrimination, physical accessibility, economic accessibility (affordability), information accessibility.

Assessing accessibility may require analysis of barriers physical financial or otherwise that exist and how they may affect the most vulnerable and call for the establishment or application of clear norms and standards in both law and policy to address these barriers as well as robust monitoring systems of health related information and whether this information is reaching all populations.

Accessibility: relates to respect for medical ethics, culturally appropriate and sensitivity to gender to requires that health facilities, goods and services and programmes are people centred and cater for the specific needs to diverse population groups and in accordance with international standards of medical ethics for confidentiality and informed consent.

Quality: facilities, goods and services must be scientifically and medically approved quality is a key component of universal health coverage includes the experience as well as the perception of health care quality health services should be:-

Safe: avoiding injuries to people for whom the care is intended

Effective: providing evidence based health care services to those who need them

People centred: providing care that responds to individual performances needs and values.

Equitable: providing care that doesn't vary in quality on account of gender ethnicity geographic location and socio economic status.

Integrated-providing care that makes available the full range of health services through out the life course

Efficient - maximizing the benefit of available resources and avoiding waste.

To commitment to main stream human rights into health care programmes and policies on national and regional levels by looking at underlying determinants of health as part of a comprehensive approach to Health and human rights. In India Indian constitution provided PART-III fundamental right article 12 to 35 this part of Indian Constitution guaranteed all citizen of India by state. Specially article 14 to 18 right to equality and article 19 to 22 right to freedom, article 21 right to life and personal liberty this very wider range concept it's intrinsic integral part of right to health, right to water, right to environment or air this article all access of life

it can't live without such facility that is this is intrinsic integral components of life mention many decision of judicial review and judicial activism such provided the many facility but still there is important component of human development of right to health is not declare universal guaranteed fundamental right of right to health for all citizen who lives the land of india. It's must be guaranteed Indian & foreigners both presently right to health is duty intergal part of directive principles of state policy part-IV article 36 to 51 this is not judicial in court this is duty of state ensure but not guaranteed specially without fundamental right implementation policy is far away from reality and major variation of different state of india. not only implementation policy is difference also periority of government not give access of health. Health policy of major state is failure comparison to national level. Specially state of Bihar,Uttar pradesh,M.P,.....only a few state health policy better condition than other state but whole condition of Indian state is very poor health index. Human development index 2019 ranked 129th among 189 by UNDP(United Nations development programme) in india 27.1 crore people were lifted out of poverty from 2005-06 to 2015-16 undp India resident representative human development is defined as the process of enlarging people's freedom and opportunities and improving their quality well being human development is about the real freedom ordinary people have to decide who to be what do and how to live the human development index 0.647 of india, the comparison of world human development index 0.731 the position of india is very below of world human development index the indicator of human development health, education, income.....all are very poor index comparison of world understanding health as a human right creates a legal obligation states to ensure access to timely acceptable and affordable health care of appropriate quality as well as to providing for the underlying determinants of health as well as safe and potable water, sanitation,food, housing, health related information humans have been struggling for better quality of life for hundreds and thousands of years the journey from the jungle where survival of the fittest was the rule to modern human societies has progressed to a stage where survival of the weakest is the main human value today the absolute dominance of few individuals who treated people as subjects without any rights could not continue for long last few centuries have witnessed several Social revolutions Social justice and empowerment is necessary components of right to health today demand and essential integral part of life.

Conclusion: right to health must be declare universal integral part of life and liberty our constitution mentioned it is part of DPSP(directive principles of state policy) part-IV due to situation of that condition of nation. but today Scenario of substance both will be changed and must be declare intergal and essential component of life like Right to education (article 21 (A)) , article 21 in wider range all facilitation of individual life and personal liberty of life, right to life already existences of right to health must be frame the law by constitution amendment process and declare right to health is fundamental right. Article 21 right to life and personal liberty is instrinsic intergal part of life.

References:

- 1.) Indian Constitution : Fundamental Right
- 2.) World Health Organisation Constitution and Article
- 3.) UNDEP(United Nations development programme) Article and website
- 4.) Experience Human Development - Diane E.papalia (2011)
- 5.) Encyclopedia of human developments Neil J Salkind , Editor 2005
- 6.) Textbook of Human Development approach - 2014
- 7.) The influences of a sense of time on human development - Lcarstensen - science 206
- 8.) Psychology and ethical development : a collection of articles on psychological theories ethical development and human - 1974(Ist) - Richard Stanley Peters (major).

