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Right To Health: A Basic Human Right

Authored By-Uma Elango & Nishitha Dattan

Abstract

Right to healthcare is an important human right. It is a basic right that each and every human being has and this right should not be violated at any cost. Article 25 under the universal declaration of human rights state that each and every person has the right to a standard of living adequate for the health and well-being of himself and of his family. This includes food, housing, clothing and medical care and necessary social services. Article 25 also state that motherhood and children are entitled to special care and assistance. There are many people in various parts of the world where they are denied good medical care. There various barriers to healthcare access. This problem is not just in our country but it exists in various parts of the world. There is a various reason for these barriers and similarly there are various consequences as well. This paper deals with the reasons for lack of access to healthcare services and the consequences people face due to it. This paper also deals with an overview of right to health in India.

Reasons For Lack Of Access To Healthcare Services

Cost: This is one of the main reasons for people not able to get good health care. Many people, especially people who are below the poverty line do not get good medical care as they do not have the money for the medical treatment. People who live in poverty face a lot of challenges in their day-to-day life and one such challenge is getting a good medical care. The private hospitals are very expensive. The consultation fees, the treatment fees, and the medicines as well are expensive. If the patient has to be admitted then it becomes even more expensive. The rent for the room has to be paid and the tests done for the patients are also very expensive today. There are various technologies which have come and there have been huge developments in the medical world. But along with the new developments, the cost for the treatments has also increased. The new developments have not decreased the cost and therefore people who live in poverty are not able to afford good medical care. There are various ways to find the issues that the patients are suffering with. Today we have systems of scans, X-Rays and much more and we have various other technologies being used for detecting the diseases and issues the patient is suffering with. The cost of medicines has also been a reason for

people not being able to have a good health. Shortage of medicines is a reason for the rising cost of medicines. In many parts of the world medicines have been in shortage and therefore the price of these medicines has increased. Population is also a reason for increasing price of medicines. An example of this would be the shortages of vaccines in some areas in our country. A shortage of vaccines was seen a few days back in a few parts of India and even now it still exists. But this issue is seen in various other parts of the country and this is due to high population. High population has always been an issue in India. After Covid, the medicines shortage has increased even more. Many medicines are imported from other countries and the import cost is also one reason for the high price of medicines. During lockdowns people had to stock food and medicines and this as well lead to the increased cost of medicines. All these have led to the increased cost of medical care. The high cost of medical care is the main reason for people not being able to get good medical care.

Lack of transportation: many people who live in rural areas have to walk to the hospitals. In many villages the people have to go to the nearby town or city to get good health care. Many small villages in our country do not have good hospitals and therefore people have to take a bus or train and go to the hospitals in the nearby towns. The frequency of these buses is also very low. But in case of emergency people will not be able to walk and they need a good transport in these cases. The ambulances have to come from the towns or cities and this will take a long time and most of the times these ambulances arrive very late. One reason for this is due to bad roads. The roads in this area are very poor. The road is not proper and therefore the vehicles aren't able to move smoothly and this causes a huge delay for the ambulances. Therefore, they aren't able to reach on time. The roads are also very narrow therefore big vehicles aren't able to enter these areas. The width of these roads is very narrow and therefore ambulances may not be able to go into these areas. Therefore, lack of good roads is a reason for the people to not get transportation.

Lack of medical facilities in rural areas: The villages do not have good hospitals. It lacks good infrastructure. There have been huge developments in the field of medicine but it can be seen only in urban areas. These developments cannot be seen in rural areas. These new technology and new developments can be seen in other countries and in the urban areas of our country. Rural areas do not experience these new developments. Due to this many people do not get the right treatment.

Communication issues: If the doctor doesn't understand what the patient is trying to say then he will not be able to give the right treatment. The patient may also not tell the doctor exactly what the issue is and he may not communicate properly his symptoms. Even if he communicates correctly the doctors may not understand it and may give wrong treatments. Therefore, communication is also very important and issues in communication are also a reason why people are not able to get good healthcare. Language barrier are also a reason. If a person is in a different country, he may not know their language. Therefore, he will not be able to communicate properly. Even if he does the doctors may not understand his language and may not be able to treat him or her properly. There are various states in our country and we have various languages being spoken in our country. The patient may tend to speak only a particular language and the doctor may not know that language. Even if they both know the language there are chances where the doctor may misunderstand the words of the patient and may treat him with a different medicine. Therefore, proper communication is very important.

Lack of knowledge: Many people are not aware of their right to health. Many do not have the correct knowledge and this is also a reason for not able to get good health care. They do not know the medicines they have to take and they also do not know the availability of various medical treatments in the urban areas. Many times, the people ignore the diseases or infections they have and continue with their day-to-day work. They tend to avoid going to the hospitals. This tendency is itself a reason for people not to get the medical care they need.

Consequences That People Face Due To Lack Of Medical Care

There are various consequences that the people have to face due to the lack of medical care. They are:

Advanced stage of diseases: If a person gets the right medical care at the right time, then he could avoid the advanced stages of the disease and he will be able to have a better life. But people who don't get the right medical care will later on face various issues. One such issue is that they would have developed an advanced stage of the disease and the chances of survival may become low. They could have avoided this situation if they had been given the right medical care at the right time. When a person gets the right medical attention various diseases can be prevented from affecting him. When the person does not get the right medical attention, he cannot be prevented from these diseases. Getting the right medical attention will help in preventing various diseases and it will also prevent disability due to such diseases. Prevention is better than cure. If a person gets disabled his whole life would become difficult. He has to

depend on others for everything. This will reduce his confidence and belief in life and many people who are disabled lose their independence. All these can be prevented if they get good medical care.

Reduced quality of life: If a person does not get good medical care, he will not be able to lead a healthy life. Therefore, his quality of life will reduce. Only when a person is healthy, he can be happy and only when he is healthy, he will be able to lead a happy life. Not getting enough medical care will reduce a person's quality of life. This will not only affect him but it will also have a huge impact on his family members.

Increased chances of death: when a person is not able to get enough medical care, he has higher chances of death. If a person gets the right treatment, then there are huge chances of saving his life but if the person doesn't get good medical care chances of death will increase. This will have a huge impact on his family.

Reduced productivity: When a person doesn't get the necessary medical attention, he will be less productive. This will have an impact on his family as well as on the economy. He will not be able to work like before and his contribution to the economy will reduce and therefore this will be a problem for him as well as the economy. This might also be a reason for him to lose his job and therefore his family will also have to face consequences. When a person loses his job it does not only affect him but also his entire family. Losing a job has various consequences. His family may fall into poverty. The children may not be able to go to school due to the family situation. The children may start working in a younger age to help the family. All these could have been prevented if the person had got the right medical attention at the right time.

Poverty: It is a cause as well as a consequence of not getting good medical care. A person who isn't healthy will not be able to work properly and may lose his career. Due to this he may be pushed to poverty. A person who is already in poverty will suffer even more if he loses his job. This will affect not just him but also his entire family. Therefore, poverty is a cause as well as a consequence of not getting the right medical attention.

Right To Health In India:

The rights protected and guaranteed by the constitution by the constitution i.e., fundamental law of a country is called fundamental rights. According to the Indian constitution 6 fundamental rights are guaranteed which are right to equality (Articles 14–18), right to freedom (Articles 19–22), right against exploitation (Articles 23–24), right to freedom of religion (Articles 25–28), cultural and educational rights (Articles 29–30), right to constitutional remedies (Article 32). The right to health is not explicitly recognized under Part III of the Indian constitution. However, the right to health is interpreted as a part of the right to life and personal liberty by many judicial decisions. In the case of Francis Coralie Mullin vs, The Administrator, Union Territory of Delhi AIR 1981 746, the Supreme Court has observed that the expression “life” in Article 21 means a life with human dignity and not mere survival or animal existence¹. In the case of Bandhua Mukti Morcha v. Union of India AIR 1984 SC 812, the Supreme Court held that though the DPSP hold only persuasive value and are not binding obligation, yet they should be duly implemented by the State. Further, the Court held that dignity and health fall within the ambit of life and liberty under Article 21². In the case of Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996) 4 SCC 37, the court held that government has responsibility to provide adequate medical aid to every person and to strive for the welfare of the public at large and further widened the ambit of Article 21³. In the subsequent case of Consumer Education and Research Centre V. Union of India AIR 1995 SC 922, held that right to health and medical aid to protect the health and vigor of a worker, both while in service and post-retirement, is a fundamental right under Article 21⁴. From the above cases we come to know that though the right to health is not expressly mentioned under part III of the constitution as fundamental right it is interpreted by the judges as a part of right to life and personal liberty. It is stated by the courts that the word ‘life’ must be interpreted in a broader sense and must include health and dignity and not just mere physical existence.

The duties of states are enshrined in chapter IV of constitution under the directive principle of state policy are Article 39 states that citizens should not be forced to undertake any occupation or profession which is not suitable for their age or strength. Enough opportunities and facilities should be given to the children so that they develop in a healthy manner and in such

¹ AIR 1981 746

² AIR 1984 SC 812

³ (1996) 4 SCC 37

⁴ AIR 1995 SC 922

conditions where their freedom and dignity are protected. Article 42 states that the citizens should be provided just and humane working conditions. Article 43 states that the all workers must be given fair wages and must be ensured decent standard of life. All these directive principles obligate the government with duties to provide the citizen a decent standard of life and a proper health care system. Hence it the duty of every government to provide a proper medical infrastructure.

The right to health is a very important right which has to be protected in every state. Every government must make sure that the public health of the citizens is maintained. They must create a health infrastructure so that all the citizen of the country are able to access medical treatment at affordable prices. As the COVID 19 has shown us how a pandemic can affect countries badly. The government must make sure that the health of the citizens is protected because eventually if a citizen is healthy, he can contribute to the growth of the country. Hence for the growth of economy of a country the health of the citizens is essential.

Conclusion

Right to health is an important human right. Millions of people all over the world do not get sufficient health care. The health care provided is of lower quality in various instances. We have seen the various reasons for lack of healthcare services. We have also seen the consequences that the people face due to lack of healthcare services. Right to health is a basic human right that each and every person has but, in many cases, they have been violated. Protection of right to health should be taken seriously and the necessary actions should be taken by the respective governments. Necessary actions should be taken by the government to protect right to health of the citizens.