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Right To Health : Indian Scenario

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ABSTRACT:-

Lack of access to health care is one of the fundamental problems facing people in both developing and developed countries. In recent years the right to health has come into its own in terms of recognition by states, active promotion by key international organizations, grassroots level campaigns and general scholarly engagement. The present article looks into the right to health as a concept that has matured dramatically over the past decade in India. The normative framework is taken into consideration for the presented observation.

The Constitution of India:-

Article 21 of the Indian Constitution casts the obligation on the state to preserve life. It is the obligation of those who are in charge of the health of the community to preserve life so that the innocent may be protected and the guilty may be punished. Social laws do not contemplate death by negligence which amount of legal punishment.

No law or state actions can intervene to delay the discharge of this paramount obligation of the members of the medical profession. The Supreme Court of India has raised concerns regarding health related issues from time to time. It opines that the State (Union or State government) or an industry, (Public or Private) is enjoined to take all such actions which will promote health, strength and vigor of the workmen

during period of employment and leisure and health even after retirement as basic essential to life with health and happiness.

Health Care Reform:-

Four general practices are largely demanding the health care reform in India. The first is escalating health care costs. With the spending on health care is rising as the government has decided to boost public spending in the sector to 2.5 per cent of GDP from the current 1.4 per cent over five years. The cost of health care is straining the economy.

An ageing population, a growing demand for health care and a need for more care for the chronically ill, and the increasing use of sophisticated and expensive equipment has created pressures on financial resources. The second issue is lack of knowledge or disability to get health insurance coverage.

The insurance industry is growing at the rate like never before but the awareness towards and same remains minimal. Lack of health insurance translates into the failure to obtain timely and appropriate health care in terms of service as well as monetary demand. The third factor contributing towards health care reform is commercialization of health care and the comparatively high earning of many people in the healthcare sector. This is becoming a common picture in modern India. With few exceptions, the ideology of 'serving the patients' is replaced by 'recovering the cost of education and medical establishment' and finally earning the profit'.

The fourth trend is lack of adequate health care facility in government run institutions. Though a large amount of money is contributed towards this reform, there seems to be lack of check. The reasons may range from-lack of research, corruption, ever increasing number of patients, casual attitude of government health care providers towards their job, inadequate equipments etc.

Judicial Precedents:-

It is the professional obligation of all the