



Right to Health

For Prelims: Right to Health, Seventh Schedule, Private Bill, Public Bill

For Mains: Significance of Health Sector in an Economy, Challenges in achieving inclusive health, Government initiatives

Why in News?

Recently, there was an intense discussion on a Private Member's Bill — The Right to Health Bill in Rajya Sabha.

- The goal is to attain the highest possible level of health and well-being for all at all ages, through a preventive and promotive health care orientation in all developmental policies.
- The Bill seeks to make health a fundamental right to all citizens and ensure equitable access and maintenance of a standard of physical and mental health conducive to living a life in dignity.

What do we know about Right to Health?

▪ About:

- The **Right to health**, as with other rights, includes both **freedoms and entitlements**:
 - **Freedoms** include the right to **control one's health and body** (for example, sexual and **reproductive rights**) and to be free from interference (for example, **free from torture and non-consensual medical treatment and experimentation**).
 - **Entitlements** include the right to a **system of health protection** that gives everyone an equal opportunity to enjoy the highest attainable level of health.

▪ Related Provisions in India:

- **International Conventions:**
 - India is a signatory of the Article 25 of the **Universal Declaration of Human Rights** (1948) by the **United Nations** that grants the right to a standard of living adequate for the health and well-being to humans including food, clothing, housing and medical care and necessary social services.
- **Fundamental Rights:**
 - **Article 21** of the Constitution of India guarantees a fundamental right to life & personal liberty.
 - The right to health is inherent to a life with dignity.
- **Directive Principles of State Policy (DPSP):**
 - Articles 38, 39, 42, 43, & 47 (**DPSP**) put the obligation on the state in order to ensure the effective realization of the right to health.
- **Judicial Pronouncements:**
 - **The Supreme Court** in **Paschim Bangal Khet Mazdoor Samity case (1996)** held that in a welfare state, the primary duty of the government is to **secure the welfare of the people** and moreover it is the obligation of the government to provide **adequate medical facilities for its people**.

- Also, in its landmark judgment in **Parmanand Katara Vs Union Of India (1989)**, Supreme Court had ruled that **every doctor whether at a government hospital or otherwise has the professional obligation** to extend his services with due expertise for protecting life.

▪ **Significance:**

- **Right Based Healthcare Services:**
 - The people are **entitled to the right to health** and it puts a **compulsion** for the government to take steps toward this.
- **Wide Access to Health Services:**
 - Enables everyone to **access the services and ensures that the quality of those services is good enough** to improve the health of the people who receive them.
- **Reduce Out of Pocket Expenditure:**
 - Protects people from the **financial consequences of paying for health services** out of their own pockets and reduces the risk of people getting pushed into poverty.

What are the Challenges in the Health Sector?

- **Lack of Primary Healthcare Services:**
 - The existing public primary health care model in the country is **limited in scope**.
 - Even where there is a well-functioning public primary health centre, **only services related to pregnancy care, limited childcare and certain services related to national health programmes are provided**.
- **Inadequate Funding:**
 - **Expenditure on public health** funding has been consistently low in India (approximately 1.3% of **GDP**).
 - As per OECD, India's total out-of-pocket expenditure is around 2.3% of GDP.
- **Sub-optimal Public Health System:**
 - Due to this, it is challenging to tackle **Non-communicable Diseases**, which is all about prevention and early detection.
 - It diminishes preparedness and effective management for new and emerging threats such as pandemic like **Covid-19**.

Way Forward

- **More Funding:**
 - **Public funding on health** should be increased to at least 2.5% of GDP as envisaged in the **National Health Policy, 2017**.
 - A comprehensive **public health legislation** incorporating the right to health may be passed by the **Parliament**.
- **Creating a Nodal Health Agency:**
 - There is a need to create a **designated and autonomous agency to perform the functions** of disease surveillance, information gathering on the health impact of policies of key non-health departments, maintenance of national health statistics, enforcement of public health regulations, and dissemination of information to the public.
- **Other Measures:**
 - The health should be **shifted to the Concurrent list** of the **seventh schedule** under the Constitution. Presently, 'Health' is under the State List.
 - There is a need for a **Developmental Finance Institution (DFI)** dedicated to healthcare investments.

What is the Difference between Private Member Bill & Public Bill?

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<i>Public Bill</i>	<i>Private Bill</i>
1. It is introduced in the Parliament by a minister.	1. It is introduced by any member of Parliament other than a minister.
2. It reflects of the policies of the government (ruling party).	2. It reflects the stand of opposition party on public matter.
3. It has greater chance to be approved by the Parliament.	3. It has lesser chance to be approved by the Parliament.
4. Its rejection by the House amounts to the exp-ression of want of parliamentary confidence in the government and may lead to its resignation.	4. Its rejection by the House has no implication on the parliamentary confidence in the government or its resignation.
5. Its introduction in the House requires seven days' notice.	5. Its introduction in the House requires one month's notice.
6. It is drafted by the concerned department in consultation with the law department.	6. Its drafting is the responsibility of the member concerned.

UPSC Civil Services Examination, Previous Year Questions (PYQ)

Prelims

Q. With reference to the Parliament of India, consider the following statements: (2017)

1. A private member's bill is a bill presented by a Member of Parliament who is not elected but only nominated by the President of India.
2. Recently, a private member's bill has been passed in the Parliament of India for the first time in its history.

Which of the statements given above is/are correct?

- (a) 1 only
 (b) 2 only
 (c) Both 1 and 2
 (d) Neither 1 nor 2

Ans: (d)

Explanation:

- The process of law making begins with the introduction of a Bill in either House of Parliament.
- A Bill can be introduced either by a Minister or a member other than a Minister. In the former case, it is called a Government Bill and in the latter case, it is known as a Private Member's Bill.
- In other words, a Private Member's Bill is introduced by any member (elected or nominated) of Parliament other than a minister. One month's notice period is required prior to its introduction.

Drafting is the sole responsibility of the member who introduces the bill. Hence, statement 1 is not correct.

- The first Private Member's Bill passed by parliament was the Muslim Wakfs Bill, 1952, which aimed at providing better governance and administration of Wakfs. It was passed in 1954. Hence, statement 2 is not correct.
- The Rights of Transgender Persons Bill, 2014, passed by the Rajya Sabha in 2015 became the first private member's bill to get the Rajya Sabha's approval in the last 45 years.
- Therefore, option (d) is the correct answer.

Mains

Q. "Besides being a moral imperative of a Welfare State, primary health structure is a necessary precondition for sustainable development." Analyse. **(2021)**

Source: IE

PDF Reference URL: <https://www.drishtiias.com/printpdf/right-to-health-2>

