

Role of Judiciary in Promoting Right to Health in India

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1. Introduction

Health denotes the wealth of human beings it is of prime value for human development. Health is necessary for social and economic development. In India, the right to health is a fundamental right of any person estimated by Article 21. The provision is set the paramount status to right to health including medical care and protection of the person, victims, indigent person, etc. After independence all, the citizen automatically becomes right holders of Fundamental Rights. In 1946, the World Health Organisation¹ in short said to be WHO was declared generally health concerns to the condition of entire physical ability, comprehensive mental quality, and social well-being life². All know about healthy mind innovative healthy society; it is affected to all aspect of life, and liberty of human being. The Indian Constitution does not expressly recognize the fundamental right to health. However, Article 21 of the Constitution of India guarantees a fundamental right to life & personal liberty. It has a much wider meaning which includes the right to livelihood, better standard of life, a hygienic condition in the workplace, leisure and even to get medical aid. Right to Health is extended part of Article 21 and it should be interpreted along with Articles 38, 39 (e), 39(f), 42, 47, 48A.

2. Development of Medical Jurisprudence

Medical Jurisprudence is specie of the jurisprudence. It is magnitude for the people or doctors & nurses to know something about law in general and the application of the laws involving medical questions³. Medical system refers professional, public, and

1 World Health Organization is an international organization concerning & investigation health issues on global. During Covid-19 it's played a greater role to helping the countries regarding preventing of pandemic.

2 Mental Health: strengthen our response, available at: <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response> .

3 Stanford Emerson Chaille, Origin and Progress of Medical Jurisprudence 1776-1876, Vol. 40(4), pp. 397-444 Journal of Criminal Law and Criminology (1949).