

Right to Health in area of Globalization

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Introduction:

Fundamental rights of every human being to enjoy “The highest attainable standard of health. In a welfare state the primary duty of the government is to secure the welfare of the people providing adequate medical facilities obligations undertaken by the government in a welfare state.

Right to Health and universal Declaration

International level in the universal declaration of Human rights Article 25 in 1948 The article states that Everyone has the right to a standard of living adequate for the health and well being of himself and his family.

Right to health and W.H.O

W.H.O constitution also deal with Fundamental rights of Health for citizen of world.

Right to health and U.N.O

The united National expanded upon the “Right to Health” in Article 12 of the International covenant in Economic, Social and cultural Rights in 196. Not only did this document guarantee the “right of everyone to the enjoyment of the highest attainable standard of health.

The improvement of all aspects of environmental and industrial hygiene the prevention treatment and control of epidemic endemic. Occupation and other diseases and the creation of conditions which could assure to all medical service and medical attention in the event of sickness.

The right to health is an inclusive right.

According to The committee on Economic social and cultural rights. The body responsible for monitoring the international covenant on Economic, Social and cultural rights calls these the “underlying determinants of health They include

- Safe drinking water
- Adequate sanitation
- Safe food
- Adequate nutrition and housing
- Health working and environmental condition's
- Health related education and information
- Gender equality

The right to health contains freedoms

These freedoms include the right to be free from non-consensual medical treatment. Such as medical experiments and research or forced sterilization, and to be free from torture and other cruel, in human or degrading treatment or punishment.

The right to health contains entitlements

- The right to prevention, treatment and control of diseases.
 - The right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of health.
 - Access to essential medicine's.
- The covenant was adopted its resolution 2200A (xx1) of 16 December 1966 it entered into force in 1976 and by December 2007 had been ratified by 157 states.
- The provision of health-related education and information.
 - Equal and timely access to basic health service.
 - Maternal, Child and reproductive health service.
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 - Participation of the population in the health-related decision making at the national and community levels.
 - The facilities, goods and services should also respect medical ethics and be gender sensitive and culturally appropriate In other words, they should be medically and culturally acceptable.
 - Functioning public health and health-care facilities, goods and services must be available in sufficient quality within a state.
 - They must be accessible physically as well as financially and on the basis of non-discrimination, Accessibility also implies the right to seek. Receive and impart health related information in an accessible format, but does not impair the right to have personal health data treated confidentially.

Right to Health and Indian constitution

The obligation of the state to ensure the creation and the sustaining of conditions congenial to good health is cast by the constitutional directives constitution 39 (e) (f) 42 and 47 in part IV of the constitution of India.

Article 39 (e) The to direct its policy towards securing that health and strength of workers men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to tier age or strength.

Article 39 (f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are projected against exploitation and against moral and material abandonment.

Article 42 The state is required to make provision for just and humane conditions of work and for maternity benefit.

Article 47 Improvement of public health and to bring about prohibition of the consumption, except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Article 48 A – protection and improvement of environment is also made one of the cardinal duties of the state.

Health as right to life

Article 21 of the constitution guarantees protection of life and personal liberty providing except according to the procedure established by law.

Article 41 and 42 Protection of health as envisaged in the directives.

Right to health and Directive principles of State policy

Article 36 to part IV containing the Directive principle of state policy, has to bear in mind these directives in its decision making process.

States obligation to preserve life

Article 21 casts an obligation on the state to safeguard the right to life of every person preservation of human life being of paramount importance.

Hospital or otherwise has a professional obligation to extend his services with due expertise and care for protecting life.

Health of the youth is concerned in India (National youth policy 2003)

Needs to be adopted after careful of the health needs of the youth about 60% of the total population of India.

General Health

Mental Health

Spiritual Health

AIDS, Sexually Transmitted Diseases, Substance Abuse

General Health

Nutrition:-

- The policy recognizes an urgent need for greater concentration an nutritional studies on the youth.
- The growth rate standard of Indian adolescents, measured in terms of Body mass Index, ration between weight and height.
- Importance of hygiene and sanitation on health society.

Introduction of health education in the curricula of regular/formula education in higher class of schools and colleges.

Mental Health

Lack of proper education often leads to mental depression

Adolescence is a period of change and consequently one of stress characterized by uncertainties in regard to identity and position in the peer group in society at large and in the context of one's own responsibilities as an adult.

Spiritual Health

Health of the mind should be coupled with the health of the spirit this yoga and meditation should be propagated widely among the youth yoga in particular should be taught in the schools.

HIV/AIDS, Sexually Transmitted Diseases, Substance Abuse

The policy recognizes that the Percentage of young people falling prey to substance abuse, STDS and HIV/AIDS being relatively higher these issues need be tackled as, primarily, can fronting the younger generation, particularly the able scents who are most affected.

Conclusion:

Failure on the part of a government hospital to provide timely medical treatment to a person in need of such treatment results in violation of the injured victims right to life guaranteed by article 21.

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