

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:5485
ANSWERED ON:29.08.2001
HEALTH AS FUNDAMENTAL RIGHT
ANANTA NAYAK

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the National Human Rights Commission has urged the Government to make right to health as fundamental right;
- (b) if so, the steps taken to make health a fundamental right;
- (c) whether the Government propose to enact any legislation in this regard; and
- (d) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA)

(a) Yes, Sir. A Workshop on Health and Human Rights with special reference to Maternal Anaemia was organised by the National Human Rights Commission in collaboration with the Department of Women & Child Development and the UNICEF from 26 to 27 April, 2000. The Workshop has inter-alia made a recommendation to Government for making right to health as a fundamental right in the Constitution. The Commission has finalised the report of the Workshop and has adopted certain recommendations of the report for follow-up action by concerned Ministries/Departments.

(b)to(d)Health is an ingredient of the most fundamental of all rights, the right to life. Though the constitution of India does not declare health as a fundamental right, obligation of the State to ensure health for all the citizens is an important aspect of good governance. India is a signatory to the Alma Ata declaration of 1978 of 'Health for All'. Health for all is the overall aim of the Health Policy of the country, which envisages access to health care services, particularly for the poor and the disadvantaged.

In order to improve the public health care facilities, Government has envisaged to optimise the coverage and quality of health care needs of the people through comprehensive network of rural health infrastructure comprising of 137271 Sub-Centres, 22975 Primary Health Centres and 2935 Community Health Centres (as on 30.6.99), which have been established through out the country to provide preventive, promotive and curative health care in rural areas. To fill the critical gaps in provision of health services, Government has been making every effort to augment the resources for the health sector by mobilizing external assistance from various bilateral and multilateral agencies for supporting various programme for control of diseases like Leprosy, TB, Malaria, AIDS, Blindness and Reproductive and Child Health Programme.

Secondary health facilities i.e., first line referrals (Community Health Centre upwards to District Health Hospitals) are being upgraded in 7 selected States with World Bank assistance. It is also proposed to extend this project to other States in a phased manner.

India spends 5.2% of GDP on health of which around 0.7% is from the Public Sector with the balance being accounted for by the private sector. This is higher than that seen in many Asian countries. The percentage of outlay for Health & FW of the total plan outlay during the Ninth Five Year Plan at 4.01 has also shown an increase when compared to that of Eighth Five Year Plan when it was 3.24.

The provision of health services to the citizens of the country is contingent upon availability of resources. Given the paucity of finance, it is not possible at this stage to consider inclusion of right to health as a fundamental right under the constitution.