

INTRODUCTION

The objective of this Seminar is to vouch for the Right to Health as the need of the hour that requires much needed attention. This multi-faceted right touches upon each and every sphere of human life - whether it be social, economic and political level, not to forget the touched upon strains of physiological, psychological and emotional levels. Hence, the present seminar tries to revisit the major concerns impinging our “Right to Health” leading to denial of our basic health needs, specifically during the topical times of the pandemic. We also need to bring the focus on the indispensable need to declare this right as the most basic Fundamental right as nothing is more important than our health and in this direction we need a robust health care system which is legally and politically strengthened in our welfare State.

The pandemic has exposed the deep vulnerabilities of India’s healthcare system. Much of this is blamed on India’s low expenditure on public health –1.29% of the GDP (in 2019-20), lower than most other countries. Another critical reason for the weak public health in India is the absence of a statutory framework that guarantees a Fundamental Right to Health. There is a need to make the “Right to Health” a fundamental right – and implement it within the framework of legal devices and human rights under the principles of solidarity, proportionality, and transparency which will help India address the challenges posed by COVID-19. Implementing the Right to Health within India’s framework of co-operative federalism will build capacities where they are most needed – at the grassroot level.

CONSTITUTION AND THE RIGHT TO HEALTH

The Constitution of India does not expressly guarantee a fundamental “Right to Health”. However, there are multiple references in the Constitution to public health and on the role of the State in the provision of healthcare

to its citizens. The Directive Principles of State Policy in Part IV of the India Constitution provide a basis for the right to health. Article 39 (E) directs the State to secure health of workers, Article 42 directs the State to just and humane conditions of work and maternity relief, Article 47 casts a duty on the State to raise the nutrition levels and standard of living of people and to improve public health. Moreover, the Constitution does not only oblige the State to enhance public health, it also endows the Panchayats and Municipalities to strengthen public health under Article 243G (read with 11th Schedule, Entry 23). Given no explicit recognition of the right to health or healthcare under the Constitution, the Supreme Court of India in *Bandhua Mukti Morcha v Union of India & Ors* interpreted the Right to Health under Article 21 which guarantees the Right to Life. In *State of Punjab & Ors v Mohinder Singh Chawla*, the apex court reaffirmed that the Right to Health is a fundamental to the Right to Life and should be put on record that the government had a constitutional obligation to provide health services. In *State of Punjab & Ors v Ram Lubhaya Bagga*, the court went on to endorse the State’s responsibility to maintain health services.

INAUGURAL SESSION (9:30 to 11:00 AM)

Chief Guest	Prof. Meenu Paul, Chairperson, Dept. of Laws, Panjab University, Chandigarh.
Guest of Honour	Prof. Rajinder Kaur, Director, UILS, Panjab University, Chandigarh.
Keynote Speaker 1	Prof. S. S. Jaswal, Registrar, HPNLU, Shimla.
Keynote Speaker 2	Prof. Sanjay Sindhu, Director, UILS, H.P University, Shimla.



University Institute of Legal Studies
Panjab University
Swami Sarvanand Giri
Regional Centre, Hoshiarpur

organises
A National Seminar on

**“THE CHANGES IN THE PARADIGMS OF
RIGHT TO HEALTH IN INDIA AND
ABROAD DURING COVID-19:
CHALLENGES AND OPPORTUNITIES”**

on
JUNE 22nd, 2021.

(Seminar Link: <https://meet.google.com/vah-xuhn-sfy>)

Chief Patron

Prof. Raj Kumar,
Hon’ble Vice Chancellor,
Panjab University, Chandigarh.

Patron

Prof. Harminder Singh,
Bains,
Director, PUSSGRC,
Hoshiarpur.

Academic Incharge

Prof. Ratan Singh,
UILS, Panjab
University,
Chandigarh.

In September 2019, a High-Level Group on the health sector constituted under the 15th Finance Commission had recommended that the Right to Health be declared a Fundamental Right. It also put forward a recommendation to shift the subject of health from the State List to the Concurrent List.

The recommendation to declare the Right to Health a Fundamental Right, if implemented, will strengthen people's access. However, the latter recommendation to shift health to the Concurrent List will lead to a constitutional conundrum on whether the centralisation of public health will be helpful in the context of Indian cooperative federalism.

At present, the subject of "Public Health and Sanitation; Hospitals and dispensaries" falls under the State List of the 7th Schedule of the Constitution of India – which means that State Governments enjoy constitutional directives to adopt, enact and enforce Public Health Regulations.

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This seminar shall focus on deliberating the issues concerned with the Right to Health of Indian citizens which at present seems to be shattered as valuable lives are lost due to shortage of basic need of oxygen to the victims of Covid-19 pandemic.

SUB-THEMES

- ✓ Meaning of Right to Health.
- ✓ Facets of Right to Health.
- ✓ Constitutional Recognition to Right to Health in India.
- ✓ International Law regarding Right to Health.

- ✓ Role of Executive in implementing Right to Health.
- ✓ Role of Judiciary in strengthening Right to Health.
- ✓ Role of Legislature in framing laws for legally recognising Right to Health.
- ✓ Role of Literature in enforcing the need of Right to Health in India.
- ✓ Role of Media in presenting the status of Healthcare System.
- ✓ The Healthcare System in India.
- ✓ The Health Care System in India.
- ✓ The PPP Model in Healthcare System in India.
- ✓ Legal Framework of Healthcare System in India.
- ✓ Legal Framework Regarding Right to Health in Major Developed Countries in the World.
- ✓ The Psychological, Sociological and Political Framework of the Right to Health.
- ✓ Art as a catalyst for implementation of Right to Health as the need of hour.
- ✓ Role of Various Agencies in Health Care System in India including NGOs.
- ✓ Working of Community Health Centres in India and their Efficacy and Strengthening.
- ✓ Healthcare Facilities in the Rural Areas in India.
- ✓ Provision for Free Healthcare Facilities for the Weaker Sections of the Society in India and their Implementation.

IMPORTANT INFORMATION

- ✓ Please follow ILI standards of citations for the Research Papers and maximum words up to 2500.
- ✓ All Research papers should be submitted with an Abstract of Research paper.
- ✓ Each participant will be given 10 minutes to present their work.
- ✓ All the papers presented, if selected by the scrutiny committee, shall be published in a book with an ISBN number.
- ✓ Registration is compulsory, so, please fill in the online form given below to obtain the

certificates.

<https://forms.gle/mU24RKxUm13Wjj6b8>

- ✓ Email your papers on uilshspwebinar@gmail.com by 20th June 2021.
- ✓ Kindly mention your name, Whatsapp contact no, email id, paper title in the subject of your email.
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- ✓ Attendance in the Inauguration is compulsory.
- ✓ Book will be published only if a considerable number of Quality Papers are received for publication.
- ✓ Filling of Feedback Form is compulsory.

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