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An Analysis of Right to Physical and Mental Health : A Human Rights Perspective in India

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The right to health is not a new right for any International Institution to give recognition as Human Rights. However, mental health is new concept under the umbrella of right to health. As human beings, our health and the health of those we care about is a matter of daily concern. Regardless of our age, gender, socio-economic or ethnic background, we consider our health to be our most basic and essential asset. Ill health, on the other hand, can keep us from going to School or to work, from attending to our family responsibilities or from Participating fully in the activities of our community. In this paper author attempted to analyse mental health and physical health is basic human rights. The Constitution of India and various International Conventions provide the same for the development of human rights. The concept of mental health is important for the study of human rights indicator under Indian scenario. Therefore, in this paper an author attempted to analyse the physical and mental health according to human rights perspective.

Introduction : The right to health is a fundamental part of our human rights and of our understanding of a life in dignity. “The right to the enjoyment of the highest attainable standard of physical and mental health” to give it its full name, is not new. Internationally, it was first articulated in the 1946 Constitution of the World Health Organization (WHO), whose preamble defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. The preamble further states that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.”

The 1948 Universal Declaration of Human Rights also mentioned health as part of the right to an adequate standard of living (art. 25). The right to health was again recognized as a human right in the 1966 International Covenant on Economic, Social and Cultural Rights. Since then, other international human rights treaties have recognized or referred to the right to health or to elements of it, such as the right to medical care. The right to health is relevant to all States: every State has ratified at least one international human rights treaty recognizing the right to health

Moreover, States have committed themselves to protecting this right through international declarations, domestic legislation and policies, and at international conferences. In recent years, increasing attention has been paid to the right to the highest attainable standard of health, for instance by human rights treaty monitoring bodies, by WHO and by the Commission on Human Rights (now replaced by the Human Rights Council), which in 2002 created the mandate of Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health. These initiatives have helped clarify the nature of the right to health and how it can be achieved.

Meaning of Right to Health: Right to health means that “every person has the right to a standard of physical and mental health conducive to living a life in dignity”.

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