Draft National Health Bill, 2009: Working Draft for Feedback from Public

(Proposed by Ministry of Health & Family Welfare, Government of India)

Background:

In recent years, there has been a growing demand from people of India for legal recognition of "Right to Health Care" and other health rights.

Jan Swasthya Abhiyan (JSA), the Indian chapter of global People's Health Movement (PHM) has been leading this demand. Five years back, in 2004, in collaboration with the National Human Rights Commission (NHRC) of India, JSA had organized several public hearings across the country on right to health care. The findings of these public hearings culminated in a set of detailed recommendations by NHRC to the Indian Government, including enactment of a national law for recognizing and operationalising the right to health care in India.

Health has also been receiving increasing attention from the Government. In April 2005, Government of India launched the National Rural Health Mission (NRHM), which is first of its kind in the world in its magnitude, scope and convergence. A National Urban Health Mission (NUHM) has also been formulated recently and is on the anvil for launch by Indian Government.

Many legal developments have complemented this trend of prioritizing health as an issue. Hon'ble Supreme Court of India has, in several judgments, exhorted the Government to accord legal recognition to health rights, viewing them as vital component of the fundamental right to life. Also, last two decades have witnessed enactment of many progressive legislations at national level which have addressed several important determinants of health. India is also a signatory to all major international treaties which entail obligations towards health rights in general or for particular groups. Under the Constitution of India, Indian Government is mandated to honour these international obligations by enacting laws.

All the above have together prepared an enabling environment as well as a compelling case for a national law on health in India, for legal recognition of people's health rights.