



C.V.L. Narasimha Rao v. Principal Sec. Medical and Health Dept.

2001 (6) ALT1

Country: India

Region: Asia

Year: 2001

Court: High Court - Andhra Pradesh

Health Topics: Disabilities, Health systems and financing, Hospitals, Water, sanitation and hygiene

Human Rights: Freedom from discrimination, Right to health, Right to life

Facts

A letter sent to the Andhra Pradesh High Court informed it of the death of an inmate in a Government hostel for the blind and of the inhumane conditions in the hostel. The letter requested the High Court to intervene in the interest of justice. The High Court converted the letter in to a public interest litigation.

Decision and Reasoning

The Court first examined the issue in light of achieving greater participation and equality of persons living with disability. In this regard, the Court mentioned the importance of international human rights covenants and instruments. It also discussed the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which provides for means and processes through which greater equality and better participation of people living with disability can be ensured.

As to whether the right to health was included in the right to life under Article 21 of the Constitution, the Court held that health was guaranteed by the Constitution through the Supreme Court's interpretation of the right to life. It held that social justice mandated the State to make society and its benefits more accessible to all members of society. The Court further held that the State should provide facilities and opportunities to enable everyone to attain at least the minimum standard of health.

The Court directed the State to pay Rs. 50,000 to the mother of the deceased. It also ordered the State to provide funds for better upkeep and maintenance of the hostel and its inmates. It directed the Commissioner, Disabled Welfare Department to present a report within four weeks.

Decision Excerpts

"[T]he concept of social justice . . . envisages justice to all members of society by removing the handicaps and disabilities suffered by the poor and secure their human dignity, having regard to the preamble, as also Article 38 of the Constitution of India." Para. 17.