

Marathwada Mitra Mandal's

SHANKARRAO CHAVAN LAW COLLEGE, PUNE

(Affiliated to Savitribai Phule Pune University, Pune and Approved by the Bar Council of India, New Delhi and Accredited with 'A' Grade by NAAC)

CENTER FOR PUBLIC HEALTH LAWS

Organises

ONE DAY NATIONAL SEMINAR

on

'Public Health Care System in India: Issues and Challenges'

Day and Date: - 17th September, 2022

Mode- Online

'Marathwada Mitra Mandal', the charitable trust is established in 1967 in Pune with the objective of providing accommodation facilities to the students. Being established through an inspiration of socially and educationally charged personalities, it serves with a motto 'Yethe Bahutanche Hit' (Welfare of Masses). At its various educational campuses, excellent facilities of education are provided to more than 12000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Recently, the Marathwada Mitra Mandal's four colleges are accredited with 'A' Grade by NAAC, Bengaluru.

About Shankarrao Chavan Law College: With the objective of nurturing future lawyer with ideals and values required for playing constructive role to create a better world, in 2003, Shankarrao Chavan Law College is established. In an attempt to impart quality legal education, the college organizes wide range of co-curricular activities such as Hon'ble Late Justice P. B. Sawant National Moot Court Competition, Late Shri Shankarrao Chavan Memorial Elocution Competition etc. The college has also established Centre for Advanced Legal Research & Training and Centre for Academic Research, Publication and E-content in Law (CARPEL) for training the students on various legal issues and to inculcate various set of skills among students.

Center for Public Health Laws: The Center for Public Health Laws is established with an object to create awareness and disseminate the legal knowledge about the Public Health Laws. The Center organizes several activities to sensitize students about burning issues pertaining to public health laws. As a step towards the achievement of this object, this seminar is organized to discuss several multifaceted legal and social issues relating to public health care systems in India.

About the Seminar: -

‘Public Health Care System in India: Issues and Challenges’

Concept Note:

The concept of ‘health’ as enshrined in the Preamble of the Constitution defines as: ‘a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity’.¹ World Health Organization defines the right to health as: ‘the enjoyment of the highest attainable standard of health is one of the fundamental rights of the every human being.’² World Health Organization imposes number of obligations upon the state to warrant the favourable atmosphere for the enjoyment of health of people. This right to health is inclusive in nature and interrelated with other human rights as well. The right to health covers the basic four elements i.e. availability, accessibility, acceptability and quality.³

At International Level, right to health is recognized as a fundamental and basic right of every person. Universal Declaration of Human Right declares the health as part of the right to an adequate standard of living.⁴ International Covenant on Economic, Social and Cultural Rights, Art. 12 states that the State parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.⁵ India is an active member of ICESCR. Art. 12 expects from the States that necessary steps would be taken to prevent, treatment and control of epidemic, endemic, occupational and other diseases also the creation of conditions which would assure to all medical service and medical attention in the event of sickness.⁶

¹ <https://www.wma.net/what-we-do/human-rights/right-to-health/> (Last accessed on 2nd Jan., 2022).

² *Ibid*

³ Art.12/General Comment 14 of ICESCR, 1966.

⁴ Art. 25 of Universal Declaration of Human Rights, 1948.

⁵ Art. 12 of International Covenant on Economic, Social and Cultural Rights, 1966

⁶ *Ibid*.

Public Health Laws is the study of the legal powers and duties of the state to ensure the conditions for people to be healthy (eg. to identify, prevent and ameliorate risks to health and safety in the population), and the limitations on the power of the state to constrain the autonomy, privacy, liberty, proprietary or other legally protected interests in individuals for protection and promotion of community health.⁷ It is the legal obligation of the state to accord adequate health care system for the promotion and protection of public health. Hence, study of public health law becomes more relevant and appropriate.

The Apex Court in the case of *Francis Coralie Mullin vs. The Administrator, Union Territory of Delhi*⁸ that the right to life has a very broad scope which covers right to livelihood, better standard of life, hygienic conditions in the workplace and right to leisure. Right to Health is therefore, an inherent and inescapable part of a dignified life. The idea perceived as the right to health encompasses freedoms and entitlements. The freedom covers the right to control one's health and concept right to health relates with the right to be free from interference, such as right to be free from torture, non-consensual medical treatment and experimentation.⁹ The entitlement includes the right to access to essential medicines, right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.¹⁰

It is state's obligation to provide suitable medical facilities for people to exercise right to health. But the reality is totally different. Inadequate public health care system, Less attention towards public health care system by the state, shortage of medical accessories, infrastructure, medicines, human resources, medical practitioners, lack of advanced medical equipment's etc. have been experienced by the public before and during pandemic particularly. In addition to this, public health care system is very weak to provide medical treatment to newly emerged diseases.

Therefore, keeping in mind the broader aspects of the various legal and social issues involved in access to public health care system, it is necessary to discourse the lacunas exists in several public health laws in the context of state's obligation to provide public health care system and public's right to health. This seminar mainly concentrates upon these issues.

⁷Lawrence O. Gostin, *Public Health Law in a New Century*, Health Law and Ethics, 200 American Medical Association, JAMA, June 7, 2000-Vol 283, No. 21 Pg. 2837.

⁸AIR 1981 746.

⁹<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2b9t%2bsAtGDNzdEqA6SuP2r0w%2f6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL> (Last accessed on 6th January, 2022)

¹⁰*Ibid.*

Objects of the Seminar: The Seminar is an attempt to open a platform for the jurists, academicians, advocates, research scholars and students to converse and exchange ideas pertaining to legal and social issues involved in access to public health care system for the betterment of the societal members.

1. To get acquainted with the Public Health Care Systems in India
2. To understand the legal scenario at International and National level
3. To comprehend the legal and social issues pertaining to access to public health care system
4. To understand the several legal and social issues relating to access to public health care system and probable elucidation to resolve them

Theme:

Public Health Care System in India: Issues and Challenges

Sub-themes:

- Constitutional Provisions relating to right to health
- Right to health and World Health Organization
- Public Health Care System and International Scenario
- People's Right to access to public health care system
- Patient's right in relevance with the Consumer's Right
- Approach of the Government and Public Health Care System
- Constitutional Mandate, Government and Private Hospitals
- Public Health Care System and Insurance Laws
- Medical Practitioner's legal and ethical rights and duties in Public Health Care System
- Food Safety Laws and Right to health
- Any other subjects related with the title of the seminar

Schedule of the Seminar:

➤ Inauguration and Key Note Address

Prof. (Dr.) Manoj Kumar Sinha

Director, Indian Law Institute, New Delhi

Time: 10:00 to 11:15am

A talk on

- ‘Access to Public Health Care Systems: National and International Approach’

DR. O.V. Nandimath

Professor of Law

National Law School of India University, Bengaluru

Time: 11:20 to 12:20pm

A talk on

- ‘Right to Public Health and State’s Obligation: Reality Check’

Prof. Dipika Jain

Professor & Vice Dean and Director- Centre for Justice, Law and Society

Jindal Global Law School, Sonipat, Haryana

Time: 12:20 to 01:20 pm

Paper Presentations:

Time: 02:20 to 03:20 pm

➤ Valedictory Function

Dr. Benarji Chakka

Dean and Professor of Law

VIT-AP University, Andhra Pradesh

Time: 03:20 to 04:25 pm

Call for Papers-

- The organizers invite original, unpublished research papers for national seminar from students, research scholars, academicians and practicing lawyers on above sub-themes. Authors shall declare that the manuscripts submitted for seminar do not infringe the copyright of any other person.
- The interested researcher should send an abstract which contain 200 – 250 words accompanied by a brief profile of the author including his email ID, contact number, his research background (if any) and his institutional affiliation to <https://forms.gle/k124jdz5C8DMwcpd7>.
- Selected quality papers will be published either in the form of seminar proceedings or Edited Book with ISBN number. Quality research paper in absentia will also be published in the seminar proceeding or Edited Book. Word limit for full research paper is 3000 to 5000.
- Only selected research papers should be submitted **only in MS Word format** through this link: <https://forms.gle/sqo4XZHtxEEoovDHA>. This link will be active from 9th March, 2022. Regarding selection of research paper, separate communication will be made with the participant.
- For paper presentation, registered participants are requested to communicate while uploading research paper.

Guidelines for Paper Submission-

- Language: English
- Font Size-12
- Font- Times New Roman
- Word Limit- minimum of 3000 to maximum of 5000 words
- Language of paper- Papers shall be submitted and presented in English only
- Co-authorship- up to two co-authors is allowed
- Citation method- JILI
- Line spacing- 1.5
- Page alignment- Left-1.5, Right-1, Top-1 and bottom-1

Note: The organizers have all rights reserved with respect to guidelines of submission and presentation of research paper.

Important Dates-

- Last Date for Registration- 4th September, 2022
- Last Date for Abstract Submission- 7th September, 2022
- Notification of Selection of Abstracts – 9th September, 2022
- Last Date for Full Paper Submission- 14th September, 2022
- Date of Online Seminar- 17th September, 2022

Registration: - Fill the Google form to register for the Seminar.

Link:- <https://forms.gle/cfxMnkC58kjLbNZE8>. After the registration, Google Meet Link will be shared with the participant.

Registration fees:-

1. Only participation for Academicians, Lawyers, Law students and Research Scholar - No fees
2. Academicians, Lawyers and other professionals Law students and Research Scholar other than SCLC (Research paper presentation)-400/-

Payment Details:

Name: MMM's Shankarrao Chavan Law College

Account Number: 50100106697534

Bank Name: HDFC Bank

Branch: Mayur Colony, Pune

IFSC Code: HDFC0000149

Certificate:

Certificate will be issued for the participation/paper presentation.

Note: - Registration fees includes only participation/paper presentation certificate. The co-authorship upto two is allowed, however the co authors are required to register separately with full fees.

Contact Us: For any clarification, mail us- mmmscl@gmail.com.

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