

Topic: Right To Health, Medical Aid While In Service Or Post Retirement Is A Fundamental Right

Name of the case: Consumer education and research Centre v. UOI, AIR 1995 SC 923

Bench: Chief Justice A.M. Ahmadi, Justice K. Ramasamy, Justice M.M. Punchhi

Fact of the case: The petitioner seeks to fill in the airing gaps and remedial measures for the protection of health of the workers engaged in mines and asbestos industries with adequate mechanisms for diagnosis and control of the silent killer disease 'asbestosis'.

It appears from the record that in Karnataka, Andhra Pradesh and Rajasthan, there exist about 30 mines and the workmen employed there in about 106. There are about 74 asbestos industries in nine states, namely, Haryana, Delhi, Andhra Pradesh, Karnataka, Rajasthan, Maharashtra, Kerala, Gujarat and Madhya Pradesh which employs about 11,000 workmen.

Judgment: Reading Articles 21, 38, 42, 43, 46 and 40A together, the Supreme Court has concluded that 'right to health', medical aid to protect the health and vigour of a worker while in service or post retirement is a Fundamental Right to make the life of the workmen meaningful and purposeful with dignity of person.

Social justice is the arch of the Constitution, which ensures life to be meaningful and livable with human dignity. Social justice, equality and dignity of the person are cornerstone of social democracy. Social justice is a dynamic device to mitigate the suffering of the poor, weak, dalits, tribals and deprived section of the society and to elevate them to the level of equality to live a life with dignity of the person. The aim of social justice is to attain substantial degree of social, economic and political equality.