CHAPTER - II
RIGHT TO HEALTH: A HISTORICAL PERSPECTIVE

Health is not merely a concern of the individual, but it is a right of the whole community. It is central to long term development of individual and society at large. When one tries to arrive at a simple explanation of what is health, almost everyone is at a loss for a definitive answer. The general reply seems to be that health is simply not being sick. But definitions of disease do abound.

The origin of the word ‘Health’ comes from ‘salus’, which means ‘salvation’ in a religious sense.\(^1\) Although very closely related to the notion of illness, yet the definition and history of ‘health’ has its own characteristics.

WHO has defined ‘Health’ as, ‘a state of complete physical, mental and social well being’, and not merely the absence of disease and infirmity.\(^2\)

Primitive cultures believed that disease was due to the evil influences of malignant ghosts, devils, magic and spells. Many religions have taught that diseases are punishment for sins. The ancient tribes of Australia traced disease to “bone pointing”.\(^3\) The Pythagoreans connected the origin of disease with mathematics and saw diseases as being related to odd numbers.\(^4\)

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2. J. Kishore “National Health Programme of India” at 17, (2002).
3. “Bone pointing” is a method of execution used by the Australian Tribal Aborigines. It is said to leave no trace, and never fails to kill its victim. The bone used in this curse either made of human, Kangaroo, emu or even wood. The shape of the killing bone varies from tribe to tribe. Bone pointing is also a terrifying phenomenon whereby death could result without any obvious physical cause. See for details: http://en.wikipedia.org/wiki/kurdaitcha.
Paracelsus (1490-1541) stated that disease was the result of maladjustment of three elements: sulfur, mercury and salt. According to the doctrine of Goto (1659-1733), the universal spirits of cold, air, heat, and humidity circulated in the body and caused illness. The German Physician Samuel Hahnemann (1755-1843), the founder of Homeopathy, explained that disease was the result of weakness of the vital force of a pathogenic matter called "Psora". Others have advanced theories that disease is the result of imbalance of colors, cellular salts, psychological factors, and many other sources.\(^5\)

Our modern notions of disease were a distinct development of the nineteenth century. Bacteria were unmasked and claimed as the definitive causes of such diseases as typhoid, cholera, tuberculosis, and other. Stedman's Medical Dictionary currently describes diseases as, "Morbus, illness, sickness. An interruption or perversion of functions of any of the organs, a morbid change in any of the tissue or and abnormal state of the body as a whole, continuing for a longer or shorter period of time".\(^6\)

Actually there are several subcategories of disease, such as ailments, illnesses, weaknesses, conditions and so forth. But the most interesting point of all of these assumptions about disease is their reliance on a description of a deviation from a norm, namely health.

Also interesting is that among the history of definitions of health or disease, a very long list of physicians and scientists have held to the view of the humoral basis of health, and have stated that improper metabolism of foods leads to disease.\(^7\) Those holding to the

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\(^5\) Ibid. For more details on Biochemic cell salt therapy as a branch of homeopathy visit tcm-knowledge.blogspot.com (accessed on August 2, 2009).

\(^6\) http://www.stedmans.com/section.cfm/45 (accessed on May 18, 2009).

\(^7\) Humoral basis of health means elements in the blood or other body fluids. Humors were part of an ancient theory of improper balance between the bodily liquids. The humors were, water, blood, black bile thought to be secreted by kidneys and spleen,
humoral concepts, include some of the most glittering names in medical history like Thales (Sixth century BC),8 Hippocrates of Cos (460-BC),9 Aristotle (384-322 BC),10 Asclepides (first century BC; he was the first to hint at the atomic variation in hot and cold foods), Galen11 (C.A.D. 131-200), Avicenna,12 Ishin Ho13 (Buddhist school), Theophilus Lobb14 (author of medical Principles and Causations, 1751), Abernathy,15 (1764-1831), Broussais16 (1772-1838), Samuel Thomson17 (1769-1830), etc.18


Thales, the Greek Mathematician from Miletus Lonia (today’s western Turkey), was the first scientist in the world who used his reason to figure out how things worked out in real life. http://ezinearticles.com/7Mini-Math-Bio-Thales-(6th-Century-BC)&id=1739500 (accessed on August 2, 2009).

Hippocrates of Cos was a famous Greek Physician and medical writer, born in Island Cos (Turkey) about 460 BC. He is referred to as the father of medicine. http://www.encyclo.co.uk/define/hippocrates (accessed on May 17, 2009).

Aristotle was a Greek Philosopher, a student of Plato and teacher of Alexander the Great. Being one of the most important founding figures in Western Philosophy. He was also the first to create a comprehensive system of encompassing morality, logic and science, politics and metaphysics. He wrote on, physics, poetry, music, logic, politics, government, ethics, biology and zoology. http://en.wikipedia.org/wiki/aristotle. (accessed on August 2, 2009).

Galen of Pergamum (Roman Province North West Asia) was a physician and philosopher, who was born around 129 A.D. He engaged in comparative anatomy by dissecting monkeys. He was first broadly educated in philosophy and then equally well schooled in Dogmatist medicine and anatomy. http://www.iep.utm.edu/g/galen.htm (accessed on June 30, 2009).

He is called the most famous individual physician in the history of humanity. Hakim Abu Ali Ibn Sina, known in the west as Avicenna was born in 980 A.D. in Afghanistan. For Avicenna, the evaluation of a "disease" was incomplete until and unless all components are diagnosed. He composed an astonishing 276 books, covering every subject of human thought, medicine, natural history, physics, chemistry, mathematics, music etc. The first, 'Kitabal-Shifa' the book of healing was his monumental work.


Ishin, (1936) a pious believer of the Buddhist school who lectured on an educational pathology at Toyo University. It held the humoral basis of health and stated that improper metabolism of foods leads to disease


John Abernathy was an English surgeon, born in the city of London.

By the time of the early eighteenth century, the Unani system was the basis of virtually all medicine in the civilized world, having been translated and formed as the basis of the work of such men as father Sebastian Kneipp (1821-1897)\textsuperscript{19} and Samuel Hahnemann who is reputed to have known Arabic and read Avicenna’s works.\textsuperscript{20}

In the mid-1800s, there occurred a cross pollination of medicine between Europe and the United States. Individuals such as Dr. John William Kellog\textsuperscript{21} learnt these systems of natural therapeutics, mainly from the European clergy, and spread them among the general population.

All of the modalities of natural therapeutics thrived in Europe and United States until the beginning of the twentieth century, when chemical medicine began to predominate. This evolution of disease

\textsuperscript{16} Broussais was a French Physician, he attracted large audiences by his lectures on phrenology. He promulgated his peculiar doctrines on the relation between “life” and “stimulus” and on the physiological interdependence and sympathies of the various organs. http://www.1911 encyclopedia.org/ francois_Joseph_victor - Broussais.htm. (accessed on July 3, 2009).

\textsuperscript{17} Samuel Thomson was the founder of an eponymous botanic medical sect, wrote one such specialized texts as early as in 1822, a new guide to health, which appeared in many subsequent editions all claimed to provide cure through the use of herbal remedies and the avoidance of regular medicine’s mainstays of bleeding and “unnatural” mineral drugs. http://www.library company.org/doctor/rosen.html. (accessed on July 3, 2009).

\textsuperscript{18} supra note 4.

\textsuperscript{19} Father Sebastian Kneipp was the son of a poor weaver. He was born at Stephansried near Ottobeuren in America in 1821. He independently established his own peculiar system of water application in various diseases. His theory of disease was a simple one. He believed every disease arises from the blood. Either the blood contains impurities or circulates poorly. He used cold water for treatment and his system is mostly thought of as a water cure system. http://www.profesornarvaez.net/2009/03/father-Sebastian-Kneipp-1821-1894.html (accessed on August 3, 2009).

\textsuperscript{20} Avicenna (980-1037 AD) He was a Persian Muslim Philosopher and physician in the Middle Ages who compiled many works, the most famous of which is ‘Al-Qanun fil Tibb’ (The canon of medicine), a definitive encyclopedia of Greek, Arabic and Roman medical achievement. http://www.cybermedic.org/avicenna.htm (accessed on September 9, 2009).

\textsuperscript{21} Dr. William Kellogg went to Europe to learn the Kneipp system of natural therapeutics. He was the disciple of father Kneipp, was instrumental in establishing naturopathy in the United States. http://www.greekmedicine.net/history/Greek-medicine-and-holistic-healing.html. (accessed on August 3, 2009).
concepts and treatments is important enough to warrant a few words of reflection.

The historical concept of "disease" has changed from the time of the ancient Greeks to modern times. The Pre-Hippocratic physicians based their practice only on the study of the diseased individual but because the variety of signs in disease is so great, it was quickly realized that some system of classification was necessary. Thus, the Cnidian physicians introduced nosographical classification. This system required that all symptoms be listed in numerical order and then be evaluated to see which of the symptoms occurred with greatest regularity and frequency. These regularly occurring symptoms received arbitrary names as "diseases, mainly a reflection to the symptoms they represented (e.g. bursitis, meaning "inflammation of the bursa," which reveals nothing about the cause). All medicine from the time of the Cnidians until the beginning of the nineteenth century was based upon this symptom-complex form of classification.

The dawn of the nineteenth century witnessed the construction of a new class of fictional diseases, based upon the French, British, and Viennese schools of anatomy and clinical studies. The symptomatology of the past was discarded in favor of the series of signs that occurred with regularity in combination, and were considered to represent a set of symptoms corresponding to a specific lesion or a disturbance in the functions of an organ. Thus, the adherents of these anatomical-clinical schools succeeded in switching the basic concept of disease from symptom complexes to lesion-anatomical syndromes.

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22 Nosographical is 'etiological origin of disease' (bacteriological). Cnidian Physicians were Greek Physicians belonged to South West of Modern Turkey; Cnidus was well known for its doctors. http://www.livius.org/ct-cz/ctesias/ctesias.htm (accessed on May 18, 2009).

23 supra note 4.
During the third quarter of the nineteenth century (1860-1890), the basic conceptions of disease were again altered by the advent of the "bacteriological school", which introduced what was primarily called the etiological (meaning bacteriological) origin of disease. In the past, Physicians believed that disease symptoms revealed some organic malfunction. But with the bacteriological school, this idea was abandoned in favor of the notion that there was a "special cause"-usually a microbe or virus-responsible for the symptom.24

Physicians of traditional medicine and others who advocate a return to the symptomatology-based mode of disease argue that there can be no such thing as a "single cause of disease", be it a germ or some other factor. The concept of a single cause or mode of classifications is rejected as an illogical fiction because common sense and reason compel one to admit that every morbid condition is the result of not one but many factors, almost always occurring in combination.25

(A) Health Under Main Systems of Alternative Medicines

There are more than 100 systems of alternatives medicines still practiced all over the world. The most popular forms of alternative medicine are Ayurveda, Homeopathy, Unani, Siddha, Yoga therapy, Acupuncture, Acupressure, Magneto therapy, Herbalism, Meditation, Aroma therapy, Bach flower remedies, Gem therapy, Diet therapy and Reiki etc.26

The Indian system of medicine has a long history. It has received worldwide recognition especially in the area of Herbal, Unani and Ayurvedic system. Besides Kautilya's Arthashastra, there are a series of ancient authoritative publications, which give a glimpse of

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24 Ibid.
25 Ibid.
the ancient system of medicine. The accountability of the physicians may be traced from the work of Kautilya wherein it is stated that:

“The doctor is mandated to report to the state whenever he is called to a house to treat a severely wounded person and also patients suffering from unwholesome food or drink. This will help him in saving himself from the criminal accusations of not attending to the patient. In case the doctor failed to provide information to the state, he would be charged with the same offence committed by such patient.27

According to the Arthashastra, the doctor is also subject to punishment and fine for not providing proper information to the patient, for committing a mistake and for negligent treatment.28

By the Department of AYUSH, Ministry of Health & Family Welfare, Government of India has recognized the alternative forms of medicine as Ayurveda, Yoga and Naturopathy, Unani, Siddha, and Homoeopathy.

(i) Unani System

The Unani System follows the traditional mode of evaluations of symptom groups and disregard the idea of germs or viruses as the primary cause of disease. The key concept word in Unani is temperament (Mizaj). This word expresses the various reactional tendencies of the individual, which is an important consideration for physicians from a clinical point of view, especially those endeavoring to defend microbial theories of medicine. For example, it is well known that most physicians attribute the occurrence of influenza to one or more viruses. However, if a particular virus caused a particular flu (or cold or any other disease), then one would assume that everyone coming into contact with that causative virus would fall ill. Obviously, such is not the case. Even though many children

28 Ibid.
in one school may get the same flu symptoms, not every child falls ill. Physicians use this notion of temperament to "explain" that some people are "disposed" to get the disease. Unani system claims that it is the original imbalance of temperament that provides an altered biotic environment in which these viruses and bacteria can thrive. And the causes of the initial imbalance of temperament are often to be found in more subtle of life, such as rest and activity patterns, work stresses and interpersonal relations, for example, anger, can dispel moisture in the humor regulating the heart.

Today, the knowledge of temperament constitutes for the clinician, from the point of view of physiology as well as of psychology and therapeutics, a notion of primary importance. The concepts of Unani are being introduced into the mainstream medical thought.29

(ii) Ayurveda and Siddha Systems

Ayurveda originated in India long back in prevedic period. Rigveda and Atharva-veda (5000 years B.C), the earliest documented ancient Indian knowledge have references on health and diseases. Ayurveda texts like Charak Samhita and Sushruta Samhita were documented about 1000 years B.C. The term ‘Ayurveda’ means, ‘Science of life’. It deals elaborately with measures for healthful living during the entire span of life and its various phases. Besides dealing with principles for maintenance of health, these principles of positive health and therapeutic measures relate to physical, mental, social and spiritual welfare of human beings. Thus, Ayurveda becomes one of the oldest systems of health care dealing with both the preventive and curative aspects of life in a most comprehensive way and presents a close similarity to the WHO's concept of health propounded in the modern era.30

29 International symposia are being held annually in Saudi Arabia, Kuwait, Egypt, India, Pakistan, Morocco and other countries. supra note 4
In Ayurvedic Medicine, 'Health' is defined, as 'soundness of body (Sharira), mind (manas) and self (at man). Each of these must be nurtured if the individual is to create health.\textsuperscript{31}

Siddha system is also one of the oldest systems of medicine in India. The term “Siddha” means “achievements”, and Siddhars were saintly persons who achieved results in medicine. Eighteen Siddhars were said to have contributed towards the development of this medical system. Siddha literature is in Tamil and it is practised largely in Tamil speaking part of India and abroad. The Siddha system is largely therapeutic in nature and its origin can be traced back to the birth of human race on the planet.\textsuperscript{32} According to tradition, the origin of Siddha system of medicine is attributed to the great Siddha Ayastiyar. Some of his works are still standard books of medicine and surgery in daily use among the Siddha Medical practitioners.\textsuperscript{33}

The Siddha system also deals with the problems affecting the women’s health and a lot of formulations are available in the Siddha classics which can counter the problems for a better living. The care for women’s health starts from the first day of the girl child. This system strongly advocates breast feeding upto the first three months of the life. It believes in the principle of "Food itself is medicine," and during the nursing period, lactating mothers are advised to take the food rich in iron, protein and fibre so as to prevent any nutritional disorders both to the child as well as the mothers.\textsuperscript{34}

As in Ayurveda, this system also considers the human body as a conglomeration of three humours,\textsuperscript{35} seven basic tissues and the

\textsuperscript{31} http://www.pioneerthinking.com (accessed on July 20, 2005).
\textsuperscript{32} http://www.iloveindia.com/medicine-systems/siddha/history.html (accessed on May 18, 2009).
\textsuperscript{33} http://indianmedicine.nic.in/html/siddha/siddha.htm (accessed on February 3, 2008).
\textsuperscript{34} Ibid.
\textsuperscript{35} supra note 6
waste products of the body such as faeces, urine and sweat. The food is considered to be basic building material of human body which gets processed into humours, body tissues and waste products. The equilibrium of humours is considered as health and its disturbance or imbalance leads to disease or sickness. This system also deals with the concept of salvation in life. The exponents of this system consider that achievement of this state is possible by medicines and meditation. Its holistic approach and the diagnosis involves the study of person as a whole as well as his disease.³⁶

With the awakening of nationalism and freedom movement, the Indian cultural values and way of life (including health care and sickness cure systems) surfaced again. The patriotic zeal of the people, their leaders and benevolence of the rulers of princely states initiated the revival of Ayurvedic system of medicine even before the country got its freedom. In 1916, the members of imperial legislative councils pressed the Government to accept this ancient and indigenous system of Ayurveda for developing it on scientific basis and for increasing its usefulness. In 1920, the Indian National Congress demanded Government patronage for Ayurveda, and Provincial governments began to grant assistance. The State and Central governments appointed several committees to suggest ways and means of rehabilitating this time tested system in the service of the people and promote its further growth following modern scientific parameters and methods. As a result, several states started schools and colleges for training of competent Ayurvedic practitioners with working knowledge of modern medicine.³⁷

After the country became free in 1947, the movement for revival gained additional momentum. The first Health Ministers Conference, which was held, in 1946, resolved that Ayurveda should

³⁶ Ibid.
³⁷ supra note 30
be developed and put to use for providing Medicare to the people. In due course of time this system got official recognition and became a part of the National Health Network of the country. In several ways, the official health policies, national plans and programmes accorded to it the same status as enjoyed by the dominant allopathic system. At present, the system is well set to re-orient itself to modern scientific parameters. Simultaneously, it is well poised for much greater, effective utilization so as to enable the country to reach its goals of ‘Health for All’ and regulate population growth. In the present situation, medical scientists are researching Ayurveda remedies for life style related diseases, degenerative and psychosomatic disorders.

(iii) NATUROPATHY

In naturopathy, nature cure is a way of life of which we find a number of references in the vedas and other ancient texts. The morbid matter theory concept of vital force and other concepts upon which nature cure is based are already available in old texts which indicate that these methods were widely practised in ancient India. It believes that the human body possesses inherent self constructing and self healing powers.

Naturopathy is a system of healing science stimulating the body’s inherent power to regain health with the help of five great elements of nature - Earth, Water, Air, Fire, Ether or Space. Naturopathy is a call to "Return to Nature" and to resort to simple way of living in harmony with self, society and environment.

Naturopathy provides not only a simple practical approach to the management of diseases, but a firm theoretical basis which is applicable to all the holistic medical care and by giving attention to

39 Ibid.
the foundations of health; also offers a more economical framework for the medicine of future generation.\textsuperscript{41}

Though the basic nature cure deals only with Pancha Mahabhoota’s, the recent developments advocates the practice of drugless therapies like massage, electrotherapy, physiotherapy, acupuncture and acupressure, magnetotherapy etc. Diet plays a major role, above all.\textsuperscript{42}

\textbf{(iv) HOMOEOPATHY}

Homoeopathy today is a rapidly growing system and is being practiced almost all over the world. In India it has become a household name due to belief in the safety of its pills and gentleness of its cure. A rough study indicates that about 10\% of the Indian population solely depend on Homoeopathy for their health care needs.\textsuperscript{43}

It is more than a century and a half now that homeopathy is being practiced in India. It has blended so well into the roots and traditions of the country that it has been recognised as one of the national systems of medicine and plays an important role in providing health care to a large number of people. It’s strength lies in its evident effectiveness as it also takes a holistic approach towards the sick individual through promotion of inner balance at mental, emotional, spiritual and physical levels. The word ‘Homoeopathy’ is derived from two Greek words, ‘Homois’ meaning ‘similar’ and ‘pathos’ meaning ‘suffering’. Homoeopathy simply means treating diseases with remedies prescribed in minute doses, which are capable of producing symptoms similar to the disease when taken by healthy people.\textsuperscript{44} It is based on the natural law of healing - “Similia

\begin{footnotes}
\item[41] Ibid.
\item[42] Ibid.
\item[44] Ibid.
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Similibus Curantur" which means "likes are cured by likes". Dr. Samuel Hahnemann (1755-1843) gave it a scientific basis in the early 19th century. He was appalled by medical practices of that time and set about to develop a method of healing which would be safe, gentle, and effective. He believed that human beings have a capacity for healing themselves and that the symptoms of disease reflect the individuals struggle to overcome his illness.

(v) YOGA

The tradition of Yoga was born in India several thousand years ago. Its founders were great Saints and Sages. The great Yogis gave rational interpretation of their experiences about Yoga and brought a practically sound and scientifically prepared method within every one's reach. Yoga philosophy is an art and science of living in tune with 'Brahmand' - The Universe. Yoga also has its origin in the vedas, the oldest record of Indian culture. It was systematized by the great Indian sage 'Patanjali' in the Yoga Sutra as a special Darshana. Although this work was followed by many other important texts on Yoga, but Patanjali's Yoga Sutra is certainly the most significant wherein no change is possible. It is the only book which has touched almost all the aspects of human life.

Swami Vivekananda defines 'Yoga' as, "it's a means of compressing one's evolution into a single life or a few months or even a few hours of one's bodily existence." 47

By Yoga, Sri Aurobino, 'meant a methodological effort towards self perfection by the development of potentialities latent in the individual'.

Yoga is a science as well as an art of healthy living physically, mentally, morally and spiritually. Yoga is not a religion; it's a

45 Ibid.
47 Ibid.
48 Ibid.
philosophy of life based on certain psychological facts and it aims at the development of a perfect balance between the body and the mind that permits union with the divine i.e. perfect harmony between the individual and the cosmos. It means a holistic approach towards the cause and treatment of disease. According to Yoga, most of the diseases mental, psychosomatic and physical originate in mind through wrong way of thinking, living and eating which is caused by attachment.

Many different interpretation of the word yoga have been handed down over the centuries. One of the classic definition of yoga “is to be one with divine.” It does not matter what name we use for the divine- God, Allah, Ishvara, or whatever anything that brings us closer to understanding that there is a power higher and greater than ourselves is yoga. When we feel in harmony with that higher power, that too is yoga.49

The basic approach of Yoga is to correct the life style by cultivating a rational positive and spiritual attitude towards all life situations. Alike Ayurveda and Naturopathy, Yoga also takes up the cleansing of the body as the first measure to fight disease. While Ayurveda performs its pancha karma through the help of ametics purgative, Yoga, performs then without the help of any drug i.e. by developing full efficiency and control of eliminative systems of the body which no other system of health care can do.

All the systems of medicine at their best aim at curing the disease, whereas Yoga aims at preventing the disease and promoting health by reconditioning the psycho-physiological mechanism of the individual. The approach of Yoga is not confirmed to various disorders, it aims at bringing under perfect control of the mind, senses and pranic energy and direct them towards healthier channels with a view to acquire mental purity, intellectual stability

49 Ibid.
and spiritual bliss. Yoga is very wide and comprehensive system embracing all walks of human life. Unlike Ayurvedic, Unani and Homoeopathy, Yoga is not merely a system of treatment but has potential to develop all round health i.e. physical, social, mental, emotional and spiritual. For social health, it prescribes the practice of Yama and Niyama and Karma Yoga.\(^5\) A man devoted to Karma Yoga looks all the living beings as his brethrens and helps them getting rid of painful situations. Hence the science of yoga emerged to counter all the problems and human sufferings.\(^5\)

Unlike earlier, Yoga today is no longer restricted to a privileged minority of hermits; it has taken its place in our every day lives and have undergone a world wide awakening and acceptance in the last few decades. The science of yoga and its techniques have now been re-oriented to suit modern sociological needs and lifestyle. Experts of various branches of medicine including modern medical science are realizing the role of these techniques in the prevention of disease and promotion of health.\(^2\)

Today, medicine has moved from organism to organ and from organ to cell and from the cell to molecular properties. Despite spectacular biomedical advances and massive expenditures, the death rate and the life expectancy in the developed countries have remained unchanged. Medicine, as practiced today has begun to be questioned and criticised. High technology medicine seems to be getting out of hand and leading health systems in wrong directions.\(^2\)

\(^5\) Ibid. Maharishi Patanjali, called as the “Father of Yoga” advocated the eight fold path of yoga, popularly known as “Ashtanga Yoga”, for all round development of human personality. The practice of Yamas-Niyamas is harmlessness towards all living beings, truthfulness, honesty, celibacy, non-hoarding of worldly objects, cleanliness, contentment, austerity, control of lust anger and infatuation, study of holy books and practice of Japa and selfless action – all these pave way for increasing the power of concentration, mental purity and steadiness. Karma yoga, the path of work, involves doing action in a skilful way. It can be said as a way of enjoying work, doing it effortlessly.

\(^2\) Ibid.

\(^2\) Today Swami Ramdev has worldwide immensely contributed in spreading awareness about health benefits through yoga.
There is an increasing concern about the cost and allocation of health resources, but the efficacy of modern medicine is fundamentally questioned through various points of view. Contemporary medicine is no longer solely an art of science for the diagnosis and treatment of diseases. It is also the science for prevention of disease and promotion of health. With increasing recognition of the failure of existing health services to provide health care, alternative ideas and methods to provide health care, have been considered and tried in large scale in the recent past.53

The sacred land of India, from the time immemorial, contributed in its own way to the better living of mankind. Yoga Naturopathy and the Ayurveda are of its kinds which can be the only answer to the rising levels of health care problems. It is necessary to realise that all these three are not only a medical approach to health but also a fundamental philosophy of life. These systems are emerging as the effective methods and means to improve the total personality and to build a healthy society. Above all, these systems are adopted as a way of life rather than a mode of treatment.

A new utopia, a world without disease, seemed within reach. Nationalist and Internationlist inspiration came together to suggest, for the first time, that health was as said aptly in the words of the World Health Organisation's (WHO) 1948 Constitution, “a right of every human being”.54 The idea that governments ought to provide healthcare for their citizens has become an international norm. For their part, having criticised the miserly neglect of welfare by the colonial state, Indian nationalist leaders participated enthusiastically in this new international order. In the 1930s, a cadre of modernisers in and around the Congress left, began to think in terms of "national

53 Ibid
54 Sunil Amrith, "Political culture of Health in India – A Historical Perspective." Economic and Political Weekly, at 114 (January 13, 2007).
health”. By this meant, the health of "Indian people”, a notion which was used interchangeably with the idea of the Indian "race". As they came together to plan for the future of an Indian nation governed by an Indian state, the National Planning Committee (NPC) of the Congress made the shift from a colonial vision of India’s races and peoples to one of a singular people and race. This transformation arose from the Indian nationalist movement beginning to “See like a State”. They believed, now, that India’s diversity – a commonplace both of colonial and nationalist ideas of India – could become a source of strength if the state could manage, rebalance and govern it strictly.55 Taken together with their discourse on the problem of planning and on the role of women in the future state, the NPC’s report on National Health was nothing less than a reconceptualisation of what it meant to speak of "India’s health". NPC in 1947 declared that:

"The root cause of disease, debility, low vitality and short span of life is to be found in the poverty - almost destitution of the people. Not only did poverty make individuals more susceptible to illness, poverty as a mass phenomenon weakened and undermined the Indian race itself. The people of India in general are of poor physique, low vitality and short lifespan. They suffer chronically from certain common diseases and have their vitality undermined by frequent epidemics of a devastating virulence...."56

The connection between poverty, under nutrition and ill health was particularly widespread at that time. The Planning Committee in 1938 wrote:

“Something like 75% or even more of the incidence of physical disabilities other than those due to infections diseases can be prevented by the provision of suitable food, adequate both in quantity and quality.”57

55 Id, at 115.  
56 Ibid.  
57 NPC was constituted by the Congress in October 1938 to prepare a ten year plan for national reconstruction for an Independent India. Indian Journal of History of
This line of argument brought together the seminal findings of the League of Nations’ Committee on Nutrition About Minimum Human Needs, widely circulated and debated in the 1930s and obsessions of Gandhi and other reformers with “diet and diet reform”.

At the same time, however, the “low vitality” of the Indian people was blamed on institutions in the Indian society. Here, the NPC drew on and developed a discourse of social reform, reaching back to the debates about the “condition of women” in India in the early 19th Century.

A new level of public discussion about health and social practices formed part of the engagement by India’s elites, with the political, social and epistemological challenges posed by colonial rule. Thus, NPC was quick to leap on the "social customs and institutions of the people" which too were accountable for the low standard of public health in the country. The chief culprit was the institution of early marriages common to all communities though usually denounced as the special curse of the Hindu society. In the context of marriage reform in the early 20th century, the NPC declared that:

“we will have to depend on the spread of general enlightenment, and information about marriage hygiene amongst people, to make them adopt more healthy ways of life in such matters.”

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58 Ibid. According to Gandhi, it is impossible for unhealthy people to win Swaraj (self rule). Therefore, he said that we should not longer be guilty of the neglect of the health of our people. Gandhi also advocated the superiority of vegetarianism. According to him the diet should be healthy well balanced. The body was never meant to be treated as a refuse bin. http://www.jstor.org/PSS/2943361.

59 Supra note 54 at 115.
In this context, the availability of external resources for public health was positively welcomed by the government. Even before independence, the interim government of India exhibited a keen interest in the WHO, in the process of establishment as an arm of the United Nations. Unlike its predecessor, the League of Nations, which had focused primarily on Europe, the WHO indicated from the outset that its resources would be available to all. The Organisation’s Constitution declared boldly, that:

"The enjoyment of the highest attainable standard of health is one of the fundamental right of every human being without distinction of race, religion, political belief, economic or social condition".60

Furthermore, the WHO Constitution acknowledged that the health of all people is fundamental to the attainment of peace and security, and is dependent upon the fullest co-operation of individuals and states. The achievement of any state in the promotion and protection of health is of value to all. Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger. Healthy development of the child is of basic importance. The extension to all peoples of the benefits of medical, psychological and related knowledge is essential to the fullest attainment of health. Governments have a responsibility for the health of their people which can be fulfilled only by the provision of adequate health and social measures.61

Pandit Nehru said so quite clearly, before the first meeting of the WHO’s South-East Asian Regional Committee, in Delhi, in 1948 that:

60 Id, at 117.
"India attaches the greatest importance to the work of the WHO, more especially from the point of view of South East Asia, which was very backward in health conditions."

Suggesting that in the past, "World organizations directed their activities more towards the problems of Europe or America," Nehru drew on the fear of epidemic diseases in order to justify priority for Asia in the new organisations work and said that the world must be tackled as a whole, and in doing so backward areas must be tackled first.62

In brief, the above study reveals that since advent of human civilization, health has been treated as a basic human value. The good health of the population is indeed a prerequisite has been treated as for a country's economic health, and that governments, therefore, have a positive responsibility to assure equitable access to necessary medical services and to protect individuals against unhealthy circumstances that could jeopardize their physical and mental integrity and affect their private lives and well being.

62 supra note 54 at 117.