

COI Art. 21 - Right to health is an integral part of the right to life under Article 21 of the Constitution - Without health, the faculties of living have little meaning and Court would be justified in taking recourse to the coercive arm of law | 1

Constitution of India, 1950 Art. 21 - The right to health is an integral part of the right to life under Article 21 of the Constitution - Without health, the faculties of living have little meaning and Court would be justified in taking recourse to the coercive arm of law - Large number of people affected by the use of a toxic pesticide called Endosulfan, leading to a spread of mental and physical ailments among residents of areas that were impacted by its use - Court by its order dated 10 January 2017 directed the State Governments to compensate all the affected persons by distributing an amount of Rs 5 lakhs to each affected person within three months - Not complied - The Government of Kerala has done virtually nothing for five years - Most of the victims, are from the marginalized segments of society and in a serious condition - Onus of a public wrong can be attributed to the State if it fails to protect the fundamental rights of the citizenry and compensation can be awarded in such cases - The inordinate delay by the State Government in compensating the persons affected by the use of Endosulfan not only reflects its failure to comply with the order of this Court but also further compounds the violation of the fundamental rights of such persons - The failure to redress the infringement of their fundamental rights becomes more egregious with each passing day - Directions issued.

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