Legal Approaches To Addressing The Social Determinants Of Public Health: The Scenario In India

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KEYWORDS	ABSTRACT
Public Health, Law, Health and rights	The enhanced scope, services, and rising investment by both public and private entities are driving the rapid and vigorous growth of the Indian healthcare system. Clinical trials, hospitals, medical equipment, telemedicine, health insurance, and medical appliances are all included in the scope of healthcare. Numerous factors, including our residence, heredity, environmental conditions, income, and education, all contribute to the health of individuals and communities and have significant effects on public health care. Environment and circumstances are major factors in determining an individual's state of health as well. For the health care system to be successfully implemented, it must be designed to adhere to specific human rights norms. A strong regulatory framework is essential to achieving favourable results for human health. By enforcing sanitary regulations on things like food safety, abattoir hygiene, and water quality monitoring, it reduces the likelihood of contracting diseases. The result is a shaky human health care system due to wide gaps in the enforcement, monitoring, and evaluation processes. This is also a result of inadequate funding for medical care for people, a lack of dedication and leadership on the part of health professionals, and a lack of community.

1. Introduction

Every human has the right to live a magnificent life, which is only possible when one is in excellent health and feels content with oneself. Since a healthy nation grows from its morally upright individuals, the legislature must protect and promote these essential interests since public morality and health are essential to the people's well-being as well as the peace and stability of the state. The term "health" refers to a state of being sound and is derived from the old English word "health." It was employed to deduce whether the body was sound [1]. Being in good health is a fundamental human right that cannot be taken away from oneself. Another definition of health is a vibrant state of well-being characterised by a physical and mental outlook that reassures the demands of life in a way that is appropriate for one's age, culture, and level of personal responsibility. Furthermore defined, health is the combined state of being able to operate effectively on all levels—physical, mental, spiritual, and social. Another way to define health is a person's metabolic and utilitarian productivity. Health, according to Terri Guillemets, is the relationship between an individual and his body. Therefore, a person's physical, mental, spiritual, and psychological well-being are all included in their state of health. Health is more than just the absence of disease; it also refers to a person's capacity for work or metabolism [2]. One definition of health is the capacity of an individual to effectively adapt and regulate themselves in the face of physical, mental, or social mistreatment. Six When evaluating a person's quality of life and productivity, health is a critical component.

In this instance, section 1 of the article examines the introduction, while section 2 examines the relevant literature. The purpose of the right to health is explained in Sections 3 and 4, the work is discussed in Section 5, and the project is concluded in Section 6.

2. Literature Review

Within the realm of international law, health law is an emerging area. There is a contention that safeguarding health entails a pressing social obligation that ought to be expressed in the lexicon of global law [12]. Due to the fact that health is a vital need that requires strong protection under international law, international health law must prioritise a person's ability to live their life as they see fit. This means that in addition to securing access to healthcare services, priority must also be given to creating environments that promote health, including access to clean and safe drinking water, sanitary conditions, safe and healthy working environments, and healthy living spaces [4]. The right to the highest attainable standard of health, which represents the right to health, is the human rights norm

most closely associated with the preservation of health [3]. It is a fundamental human rights norm in the field of international health law, emphasising the need to work towards health equity and protecting individual health across national boundaries. Sustaining globalisation affects not just the economies of the world but also the healthcare systems that serve both domestic and global populations [11]. It poses a number of significant obstacles for the health sector, necessitating responses on a national and worldwide level. [5].

Health research shows that health disparities within and between countries are occasionally getting worse, and many are continuously dealing with the detrimental effects of environmental degradation, climate change, urbanisation, etc. on their health [6]. As a result of these advancements, attention to international health should be focused on issues pertaining to healthcare and medication approaches, as well as on human health care in both domestic and international emergencies and armed conflicts [15]. It should also be directed towards the spread of infectious diseases as well as domestic and international health disparities [13].

Human Health Care And Right To Health
The enhanced scope, services, and rising investment by both public and private entities are driving the rapid and vigorous growth of the Indian healthcare system. Clinical trials, hospitals, medical equipment, telemedicine, health insurance, and medical appliances are all included in the scope of healthcare.

Human health care refers to the preservation or enhancement of health achieved via the detection, diagnosis, and treatment of disease as well as other physical and mental disabilities in people. Globally, health care is considered a critical component in promoting people's overall physical and emotional well-being. In 1980, the World Health Organisation declared that smallpox had been eradicated globally. The World Health Organisation announced smallpox to be the first illness in human history to be totally eradicated by meticulous medical measures. A battle for human rights is healthcare. In 2011, Vermont became the first state to enact legislation establishing a publicly funded, universal health care system. Inspired by Vermont, it is currently practiced in a number of US states as well as internationally [7].

Health experts that specialise in many health sectors that are interconnected provide healthcare services. In addition to practitioners, these medical specialists are referred to as providers. Medical professions also include physician associates and physicians. These health professionals cover a wide range of disciplines that are related to healthcare, such as nursing, medicine, dentistry, midwifery, pharmacy, psychology, physical therapy, and other health-related fields. These healthcare providers come in the shape of organisations or private citizens who offer healthcare services to the general public. These people, who are health professionals and related health professions, may work for themselves or for any number of healthcare organisations, including government-run facilities and non-governmental organisations, or they may be employed by hospitals, clinics, or other healthcare facilities. These medical professionals can also work in settings other than direct patient care, like government health departments, medical laboratories, and health training facilities. Work performed by medical professionals in the areas of public health and primary, secondary, and tertiary care provision is also included in the scope of health care services [8].

Figure 1: Common social determinants of health

The world's health care systems are diverse, with as many historical perspectives and organisational configurations as there are countries. The term "healthcare system" can also refer to a health system. The group of individuals, organisations, and assets that provide healthcare services to address the general public's health needs is known as the health care system. The term "health system" can also refer to the entire network of institutions, individuals, and behaviours whose main goal is to preserve, improve, or promote health. This system encompasses more direct health-improving actions under its purview in addition to initiatives to influence health determinants. Within its purview, this health care system encompasses workplace health and safety laws, vector control initiatives, and behaviour modification programmes.

Health Under Indian Laws

One of the main factors influencing a country's development is its healthcare system since happy inhabitants contribute to a healthy country. Since a person's standard of living and health are closely related, the government has an obligation to ensure the general public's well-being. This can be accomplished by announcing a comprehensive legal framework, which should foster conditions that are conducive to restoring equilibrium in the healthcare industry [9]. The universal experience makes it abundantly clear that nations that have implemented universal healthcare have done so by embracing comprehensive laws that have unified the human healthcare system under one roof and combined policies to provide organised and coordinated health care services to their populace. All facets of human healthcare are covered by legislation, making it possible to resolve issues with access to care, provision of a suitable framework, unfairness, carelessness, improper practices, dishonesty in healthcare systems, standards in the healthcare system, health issues related to the environment and the workplace, issues with reproduction, rights violations, resource allocation, professional behaviour, etc. In order for the right to health care to be enshrined in our constitution and become enforceable, the legislature needs also take action to declare it a fundamental right [14].

One of a person's fundamental necessities is their health. Law and health are inextricably linked to social welfare and society. The Indian Constitution's framers included numerous provisions pertaining to health care because, in spite of numerous health schemes and policies, people's health is declining daily. The Indian Supreme Court has also played a significant role in preserving people's health by rendering numerous important rulings. Additionally, the health care issue will be managed via the efficient application of laws passed based on provisions included in the Constitution.

Laws To Prevent Public Health Problems

The Epidemic Diseases Act, 1897

An epidemic is characterised by the occurrence of illnesses or health conditions more frequently than is normal. The goal of the 1897 Epidemic Diseases Act was to better control the spread of dangerous epidemic diseases. It was created to combat the bubonic plague outbreak that was then raging in the state of Bombay. As a result, the Governor General of colonial India granted the local authorities specific authority to carry out the measures required for the control of epidemics.

The Prevention of Food Adulteration Act, 1954

Food is a basic human need, and the amount and quality of food that a person consumes determines how well they develop. There are many stories in the newspapers and periodicals about people who have been hospitalised or died as a result of food adulteration. Adulteration is the term used to describe the blending of inferior or artificial materials with a commodity, reducing its purity or rendering it unsafe for consumption and posing a serious risk to human health. Food adulteration has grown so pervasive and persistent that a large-scale cure was required to stop the anti-social behaviour that is adulteration. In order to combat the evil of food adulteration, which has become increasingly common in recent times, The Prevention of Food Adulteration Act, 1954 was created. The Act aims to ensure that food is prepared, packed, and kept under hygienic circumstances and, as a result, made accessible to the public. It also prohibits adulteration and misbranding of food products and specifies penalties for those who do so. The Act's goal is to outlaw the adulteration of food products as well as their manufacture and sale for human consumption when doing so poses a risk to public health.

The Atomic Energy Act, 1973
It was passed to control radioactive waste, radiation, and the negative effects that it has on human health. Because X-rays can cause cancer, genetic transfigurations, and inborn deformities, they should be utilised very carefully and with the greatest amount of preventive precautions to avoid harming patients or anybody else who might come into contact with radiation during the diagnostic procedure.

The Census Act 1948
In order to address the imbalance in the distribution of human resources for health, the Census Act of 1948 was created. This ultimately resulted in favouritism in the provision of health services and negative effects on public health. The demographic census data helps prevent favouritism and monitor geographic imbalances in the health workforce. The national representation of census data is one of its primary tenets [10].

3. Conclusion and future scope

Every human being has the fundamental right to health care, which is true wealth that cannot be ignored. Every human being has the right to live a magnificent life, which can only be realised when one is in excellent health and has a strong sense of wellbeing. Due to the fact that the right to health facilitates the enjoyment of other fundamental human rights, laws are required to protect these rights and improve national health in a comprehensive way. Due to the socioeconomic imbalance, the right to good health standards is unfortunately frequently violated in our nation. As a result, efforts have been made to improve health standards, and both legislative and constitutional provisions have been adopted to forbid health risks and move the country closer to a healthy state of affairs. As a result, India lacks comprehensive laws covering every important aspect of healthcare for people. Certain parts of human health care legislation are covered by laws, such as those that protect the health interests of a certain class of workers.

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