Legal Contemplation Regarding Healthcare and Covid-19

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Abstract

Public healthcare and disease prevention is the utmost concerns of the governments around the world. The quality, accountability and accessibility of health infrastructure along with medicines are desired so that the people use these resources at the time of medical emergency. Good health is measured when the mortality rate, malnutrition, hunger, pollution and other parameters are low and does not impact upon the individual’s life. The communicable and non-communicable diseases put harmful effect on the health and life the people and COVID-19 which is a pandemic spread all over the world through transmission. The World Health Organisation issued various guidelines for safety and security but it’s a medical emergency like situation and governments of the countries already framed rule and regulations for the prevention/protection and eliminate the transmission of disease through lockdown. There are number of legal provisions at international and national level for health and medicare as well as implementation of government mandates for protection from corona virus.

Key Words: COVID-19, infection, Healthcare, immunity, prevention

Introduction and Importance of Health

Good Health is considered to be very much important for all human being and it is fundamental to happiness, well-being and prevention of diseases. The prevention of disease and fitness of human being, good health also put very important contribution to economic progress of any country as healthy people put fewer burdens on healthcare infrastructure, life span increases, more productive to work, take less medicines, etc. There are number of factors which influence health status of people’s like healthcare delivery system, quality and quantity of medicines, accessibility and affordability of hospitals and clinics, emergency services, ambulatory care and all these depends upon the country’s ability to provide quality health services for its people.

According to the World Health Organisation, 1948\(^1\) it defines “Health is considered to be a state of complete physical, mental and social well-being not merely an absence of disease or infirmity”. As per the definition of Encyclopaedia Britannica “Health in humans means the extent of an individual’s continuing physical, emotional, mental and social ability to cope with his or her environment”.\(^2\) The much desired from today’s life style point of view is that for an individual’s healthy life, there is needs to require a balanced diet which is full of vitamins, proteins, micronutrients, energy and as well as has to regularly physical and mental exercise by yoga etc. Similarly, one must also live in a proper house or place which is need to be clean regularly, sound sleep is very much desired, good hygiene habits and avoid stress, smoking and drinking habits along with it public cleanliness near and around is important for individual health.

The eating habit of the population of any country is play significant role in prevention and sometime cure of disease and for this food for health is vital vis-a-vis along with food and dietary habits the happiness is much needed for good health of person which includes both physical and mental health. The growth and development
of any county depends upon well-being, equality from social point of view, elimination of malnutrition, etc. and these are much vital for public health.

VIRUS- SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2 (SARS-COV-2) AND COVID- 19 CORONAVIRUS DISEASE: COMMUNICATING WITH THE PUBLIC

The health of the individual measured to not to be good when one or more organs or systems of body are badly affected by any disease and as the normal functioning of the body is also interrupted. So, disease which may be communicable or non-communicable means somewhat is off beam with human body and that’s the reason one can feel unwell or the body start doing malfunction. The unbalanced diet such as which is low as in vitamins, minerals, protein, iron, calcium, energy, etc. not only affects health but it is also exaggerated by diseases, infections, bacteria, virus, malnutrition, etc. The reason of bad health is that the diseases happen to body where the disease affected to external organisms which usually intersecting the human body’s natural barriers and attacking into person’s healthy body and such organisms may cause extensive devastation if human body’s immune system does not tackle it accurately.

Historically, infectious diseases are measured as the top unintentional root of deaths of human being and its consequences world over, people suffer from these deadly diseases. There were number of disease occurred time to time namely- Plague, Smallpox, Polio, HIV/AIDS, Tuberculosis, Malaria, Ebola, Influenza, etc. which put in danger the life of humanity. In the year 1960, a virus namely Coronaviruses were identified and infected to humans and certain range of animals. Again, other two coronaviruses namely SARS-CoV and MERS-CoV have grown and initiated outbreaks in humans and animals recognized in southern China in 2003 and in Saudi Arabia in 2012 respectively and they have caused more than 1600 deaths at that time jointly.

Similarly, a previous unidentified coronavirus now a novel strain of coronavirus (nCoV- 2019) was identified and a formidable outbreak of pneumonia short of a clear cause in the city of Wuhan (China) in December 2019 and stretched worldwide. The official name of this disease was given as Coronavirus Disease-2019 (COVID-19) by World Health Organisation. The pneumonia is like that infection can be threatening for life to anyone but more specifically to children and old age people. The symptoms for this disease may include a cough with phlegm or pus, fever, chills and difficulty in breathing.

There are more chances of person-to-person transmission and this disease/virus infection may happen over droplet or contact transmission if there is a deficiency of stern infection regulator or no availability of appropriate personal protective equipment. This new corona virus put endanger the healthcare workers also and presently, no convinced treatment for COVID-19 while many medicines for the cure for this virus are under research. The tourism and interaction account of the suspected patient who may have signs of this virus is collected by the physicians to classify patients and to avoid dispersal of the disease.

The communities of all over the world and different countries also come forward in support of the worldwide efforts in prevention, diagnosis, treatment and additional research on this pandemic disease in this time of medical emergency. All these valuable efforts for the one line of action towards improve the health status of individual and globally to support the virtual efforts of healthcare practitioners along with monitoring the developments continuously on this pandemic.

SYMPTOMS OF COVID-19 AND DETECTION

Any kind of disease which attack on human health show some symptoms through which it noticed and the doctors and medical practitioners try to cure the disease by prescriptions and prevention in dietary habits for limited time. Hence, the most common symptoms in the case of this deadly disease COVID-19 (corona virus) are dry cough, tiredness and fever and certain patients complain about nasal jamming, pain, diarrhea, etc. The symptoms of corona virus are may vary from person to person as per the medical history or background of such patient and frequently mild at starting point and then begin steadily. Likewise, certain people don’t feel unwell and also not shows any symptoms but they are infected from this virus and in the same way, people around 80% of total patients recover from the disease without needing special treatment. There are very low numbers of those people who are in contracts with COVID-19 fall ill seriously and develop difficulty in breathing. The other cases as the old age persons/underlying medical
problems are more prone to this pandemic.

The governments around world use all health infrastructure facilities and also permit private labs to do the tests for this corona virus detection so that timely treatment will start. The laboratories diagnose this virus disease by using real-time RT-PCR test to detect. The full form of for the COVID-19 disease RT-PCR test means “real-time reverse transcription polymerase chain reaction” is a laboratory technique which is used for detection of this disease. The collection of specimens from the surface of the respiratory mucosa with nasopharyngeal swabs is a procedure used for the diagnosis of Covid-19 in adults and children. The procedure is also commonly used to evaluate patients with suspected respiratory infection caused by other viruses and some bacteria. There are no specific contraindications for collecting specimens with nasopharyngeal swabs. However, clinicians should be cautious if the patient has had recent nasal trauma or surgery, has a markedly deviated nasal septum, or has a history of chronically blocked nasal passages or severe coagulopathy.

The PPE means personal protective equipment is needed including mask, gown, and gloves for the healthcare personnel for safety purpose. The masks are also recommended for general public and patients so that this virus not communicates to other. The aged persons, the person who has other disease, weakness of immunity, food and dietary habits, and children are most prone to COVID-19 disease and still, there is no authenticated treatment for COVID-19 that is the reason that the awareness of regular hand wash with soap, using of sanitizer, social distancing, proper diet which is full of vitamins, minerals, etc. is required.

GLOBAL SITUATION AND EFFORTS TO TACKLE

The peoples around the world are scared, irritated, unclear and they have less confidence on the government healthcare policies, agenda and health infrastructure. But in the prevailing circumstances, health workers at every level have shown an incredible commitment towards government, people and timely replied with kindness to resolve/tackle this virus in hazardous conditions. The government its take initiatives and the general public have managed to support and help to poor people for basic necessities. The businesses also stepped up to provide funding for those people who in and strengthen health services to cope up with this situation. The sharing of resources, information, proficiency from countries supplementary ahead on the epidemic and controlling the spread of this pandemic also brought examples of international solidarity.

The World Health Organisation (WHO), 1948 is the organization at international level to provide guidelines on this matter and how to handle the situation at world level. There are number of provisions are framed by it to prevent the spread of this pandemic as- critical preparedness, surveillance, clinical care, laboratories, guidelines for school/workshop/institutions, points of entry/mass gathering, reducing animal-human transmission, health workers, etc. to deal effectively with the COVID-19.

INDIAN PERSPECTIVES AND RIGHT TO HEALTH CARE

In India, the right to health and emergency medical care inserted in fundamental right 3 of the Constitution of India, 1950 by judicial pronouncements and the obligation on the part of government to raise the level of nutrition alongside with health protection and promotion. Due to this prevailing situation as COVID-19 (Corona Virus), the Indian government at central and state level taking all essential steps to confirm that they are able to face all the challenge and menace spread by the growing pandemic of COVID-19. The government also empowers the people with the correct information and by taking precautions as per the advisories being issued by Ministry of Health & Family Welfare. This ministry also takes steps to make stronger the core abilities for disease vigilance; emphasis on cluster containment approach to avoid extensive community communication; monitor airport management in coordination with airport health organization.

India has to follow the guidelines and regulations/advisories issued by the WHO at global level and accordingly it follows all the conditions during this prevalence of pandemic. Health is a subject of State means it come state list out of three lists such as- Union List, State List and Concurrent List but for national interest, the center also pass specific legislation for the protection and well-being of health of population.
There are various legislations are passed which directly or indirectly tries to protect the physical and mental health of the people of India from different angles. But specifically for this kind of disease, the Epidemic Diseases Act, 1897 was passed where as per the Section 2 of this Act deal with the provision of “Power to take special measures and prescribe regulations as to dangerous epidemic disease when at any point of time the state government is satisfied that there is an outbreak of any dangerous epidemic disease then it may take such measures and by public notice it prescribe such temporary regulations to be observed by the public”. 

Similarly, as per “Section 2A the Central Government is satisfied that India or any part thereof is threatened with an outbreak of any dangerous epidemic disease and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, then the government may take measures and prescribe regulations for the inspection of any ship or vessel leaving or arriving at any port in and for such detention thereof, or of any person intending to sail therein, or arriving thereby, as may be necessary. If any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code and be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both”.

The Indian Penal Code, 1860 lay down the specific provision for the health protection and promotion. Chapter XIV under which Section 268-294A deal with “offences affecting the public health, safety, convenience, decency and morals” and the most important section for this COVID-19 prevention is the Section 271 which discuss the “Disobedience to quarantine rule means whoever knowingly disobeys any rule made and promulgated by the Government for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months or with fine or with both”. The Indian government uses this provision for the infected people from this COVID-19 disease and put into quarantine all corona virus patients and adopt procedure all reasonable measures to recover the people. The concept of lockdown the whole country also adopted by the India from other countries of the world to fight with this deadly virus and save the people from get infected. This method is very helpful for prevention the disease and helpful for the health personnel and government to take of less people who are patient of this corona virus.

The significance of the immunity in individual’s health, growth and prevention of disease cannot be overlooked. To build up the strong immunity or immune system, the eating habits of the individual’s play an important role. For leading healthy life style, good nutrition is very important and good diet, exercise, etc. is needed to adopt. But sometimes, food scarcity and other related factors are these put negative impacts on human health. The adequate availability of food or “access for all at all times to a sustainable supply of nutritionally adequate and safe food for normal physical and mental development and healthy, productive lives” is a basic right for human inserted in the constitution of most developing countries.

**Concluding Remarks**

Good health is described as the physical, mental and social well-being along with adequate diet, routine exercise and strong immunity. The nCoV-2019 is a disease with loss mortality rate but certain precautions as per the mandates of the government must be followed. The scientist and doctors with the continuous support try to find out the vaccine but as of now there is no suitable treatment for this COVID-19 disease. The doctors and health workers continuously work to take care of all the patients of the corona virus. There is a categorical methodology is needed along with policy formulation and implementation will assistance to provide strengthen the health system and to ensure that the health system, infrastructure, medicines, research is improving the area of healthcare.
Ethical Clearance: Data taken from the books, websites and use of legal provisions only.

Conflict of Interest: None

Source of Support: Self

References

1. World Health Organisation. Founded on 7 April, 1948, WHO is an agency of the United Nations which is responsible for international public health.
3. Article 21 of the Constitution of India, 1950 deal with “Right to Life and Personal Liberty”.
5. Available from: https://www.mygov.in/covid-19
6. Epidemic Diseases Act, 1897. “The object of this Act to provide for the better prevention of the spread of Dangerous Epidemic Diseases”.
7. Indian Penal Code, 1860. “Disobedience to order duly promulgated by public servant”.