

Analysis of Public Health Care Safeguard Measures in India

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ABSTRACT

Public health is a branch of science that focuses on preventing disease and injuries in large populations by doing research, educating the public, and creating policies that promote health in all communities. Each person may define public health in a different way. In order to address global health issues, address community-wide health issues, and influence global health policies at both local and global levels, public health is a field of study that encompasses a variety of academic fields, including basic science, commerce, the arts, education, technology, engineering, computer science, pharmacy, and bioscience. Excluding the effects of non-intellectual property barriers like distribution, infrastructure, quality, and medical facilities, the goal of this study is to examine the public health barriers to intellectual property that affect medical access. This study aims to investigate how patent law protects drug accessibility while taking drug prices into consideration.

1. Introduction

Since the beginning of time, human society has benefited from all kinds of discoveries and inventions made by one of them. However, because it costs a lot of money to develop new medicines, inventors want to charge a high price for their creations in order to retain their wealth forever. Since these inventions improve human health, the question of whether drug patenting promotes wealth concentration or health distribution emerges. [1].

Because of the enormous advances made by humanity in science, technology, research, and other fields, the globe has truly become a global village. An international organisation to oversee international trade has become more and more necessary as the industrial sector has grown [3]. The World Trade Organisation was created as a consequence of every country creating a global organisation to oversee international trade. Since the beginning of attempts to build an international patent regime, there has been a heated debate regarding the conflict of interest between private rights and public advantages, particularly with relation to the pharmaceutical sector. Crises have highlighted the conflict between the pharmaceutical industry's interests and the public's, especially in developing nations [2]. It is referred to as the AIDS crisis in South Africa. When the AIDS epidemic was first reported, it was severely hurting all of Africa, particularly the poorest of the poor, who are unable to afford market-rate medication. Four to five million South Africans, or roughly 10% of the country's entire population, were impacted. A global health organisation that deals with analysis, planning, and creating road maps for the world's population estimated that one-third (1/3) of people do not have adequate access to essential medicines at the moment, and that number rises to over 50% in the most impoverished regions of Africa and Asia, the two largest continents with the largest populations [11].

The validity of the global intellectual property system and the WTO mechanism pertaining to intellectual property rights was at jeopardy when this issue turned into a key flashpoint in international relations. During its April 2001 session, the United Nations Commission on Human Rights adopted a resolution calling for states to take action against pharmaceutical companies that deal in HIV/AIDS related medicines. This was one of several international organisations that took a strong stand against the problem.

In this instance, section 1 of the article examines the introduction, while section 2 examines the relevant review. The proposed work is explained in Sections 3, the work is discussed in Section 4, and the project is concluded in Section 5.

2. Review Of Literature

In [4], they expressed his opinions that, although intellectual property rights have been covered by

international investment agreements (IIAs) for many years, a number of high-profile cases in recent years have shown how much of an investment an IIA can cover. The situation is significantly fragmented, with substantive standards and textile language varying between and among the more over 3000 II. Health activists fear that nondiscriminatory actions done to protect the public interest and advance health could be interpreted as infringing on an investment treaty responsibility. The public health policy reviewed in [5] noted that trade policy in the twenty-first century is complicated and has both direct and indirect effects on population health and society [14]. Without a doubt, trade policy affects how power, wealth, and resources are distributed both within and between nations [9]. This has an impact on the environment, people's day-to-day lives, and the accessibility, affordability, and desirability of goods (such as food, tobacco, alcohol, and health care) in a given area. It also has an impact on people's ability to enjoy the best possible standard of health.

A single treaty monitoring agency, like the World Trade Organisation, is not present in global health law, which lacks organisation [12]. Nonetheless, a network of treaties and "soft" legal instruments—many of which were created under the World Health Organization's (WHO) auspices—have a significant impact on global health [6]. The term "global health law" refers to the legal guidelines, procedures, and establishments that are primarily intended to ensure that everyone on the planet has the best possible physical and mental health [7]. Global health legislation can have an impact on a number of areas, including social justice, human rights, economic growth, and national security [8].

3. Methodology

The research methodology will employ is applied research because this is a real-world issue that directly affects people and organisations. Based on the information above, we have a good understanding of the Pharmaceutical Patent regime and high drug prices, as well as their effects, so an applied approach will help us gather the precise data need for the study. It is crucial that we keep in mind that the research methodology should be extremely simple to apply practically and should provide with the precise feedback need to make the necessary conclusions.

Prior to the commencement of the research, the objectives must be determined in order to guarantee that the study will be both descriptive—illustrating the issue of high drug prices in a clear and concise manner—and explanatory—helping us comprehend the problem, its causes, and the connections between them. We have decided on the objectives, design, sample, and questions, and we will employ an organised and qualitative method. This strategy has its own advantages and disadvantages. Firstly, we obtain the precise and recommended information we require. Secondly, because it is rigid, we can only know the answers to the questions we pose. Thirdly, we consider internet users' opinions through an online survey. Fourthly, we collect and analyse information from articles. Finally, we speak with relevant authorities and individuals who are frequently affected by the exorbitant cost of cancer medications.

An interview or questionnaire is a research instrument. This is a useful method for assessing preferences or feelings and measuring data from a sample group. This approach gives opinion and feeling a sense of proportion. Although these numbers are arbitrary, they do provide a direction for measuring intensity in order to assess or appraise reality [13].

The knowledge-based properties of pharmaceuticals ought to be shared with the people of the globalised globe since the ultimate goal of all intellectual and commercial endeavours related to health is to improve the general public's health and create a world free from disease and full of health [10].

4. Results and discussion

The purpose of this analysis is to evaluate the effects on the general public of all applicable national and international legislation based on their actual application. In order to gather data for this research project, the researcher has specifically targeted a group of people. In addition, data from in-person interviews with one hundred individuals from India's north, east, south, and west has been gathered

from those who are afflicted with cancer or know someone who is afflicted with the disease. I chose cancer because most cancer medications fall under the category of life-saving medications, are trademarked, and have financial concerns. Sixty-seven percent of the 100 targeted victims were female, and the remaining victims were male. We first concentrated on a few major cancer categories and discovered that the following: the emotional and financial burden on the individual as well as the family, as well as the stage at which cancer is detected, are all highly relevant factors. Medical professionals' recommendations to patients are important because they provide the patient's family with emotional support and confidence. Following discovery A doctor's prescription for medical therapy is also very important, and it is observed that most of the time, medical professionals recommend allopathic treatment based on the reliability of patented medications and the advancements in medical technology. These medications often passed the clinical trials.

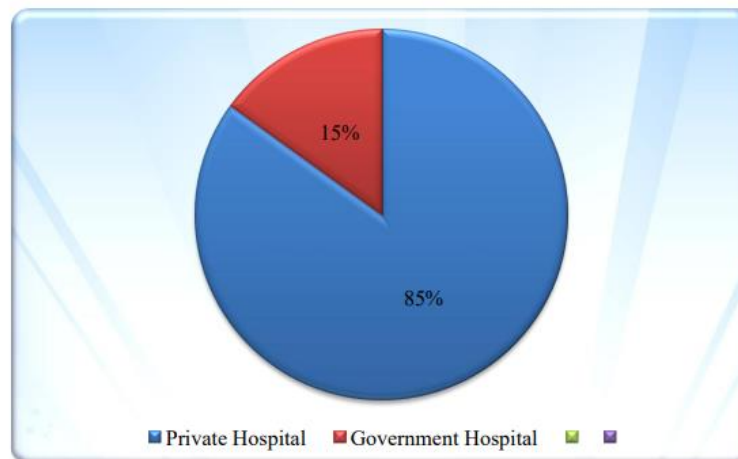


Figure 1: Choices of hospital by patients

In addition to medication, these traditional practitioners also recommend other useful treatment options including major surgery, radiation therapy, chemotherapy, etc. People initially preferred moving to private hospitals, but eventually, due to the high cost of healthcare, they turned to government hospitals, which offer free outpatient department visits, inexpensive therapy, but the cost of patented drugs is nearly the same. Some states also offer access to generic medications, and government policies for life-saving medications also provide assistance, albeit insufficiently. Government hospitals are powerless and the best proprietary medications are expensive.

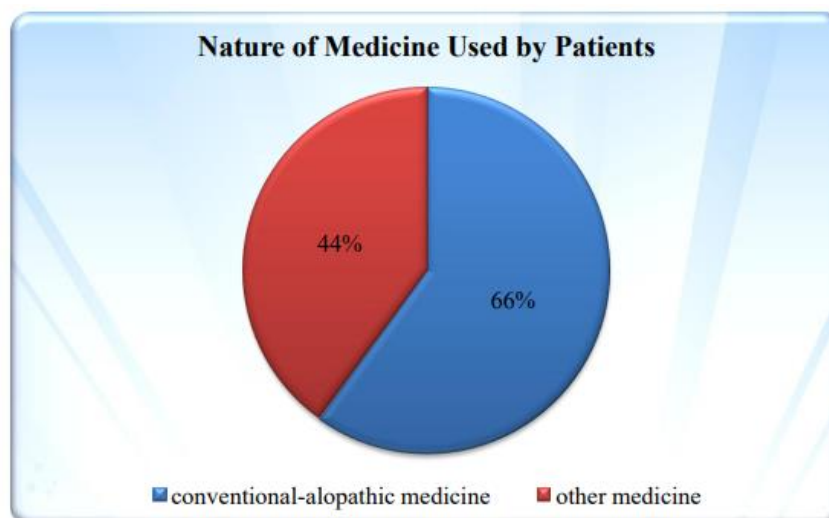


Figure 2: Choices of medicine

People initially preferred moving to private hospitals, but eventually, due to the high cost of healthcare, they turned to government hospitals, which offer free outpatient department visits, inexpensive therapy,

but the cost of patented drugs is nearly the same. Some states also offer access to generic medications, and government policies for life-saving medications also provide assistance, albeit insufficiently. The best patented medications are quite expensive, and government hospitals have no options. Based on observation, 96% of patients are recommended by physicians to receive conventional therapy, which entails using allopathic pharmaceuticals. These drugs are typically patented and governed by central government regulations, such as the Patent Act 1970 of India and the Drug Price Control Authority. Sixty-six percent of these patients had undergone surgery. often makes use of allopathic therapy, such as premium antibiotics, to recover after surgery. The high percentage of recommended surgeries demonstrates the reliance on the traditional allopathic medical system. It also illustrates the reliance on patented medications.

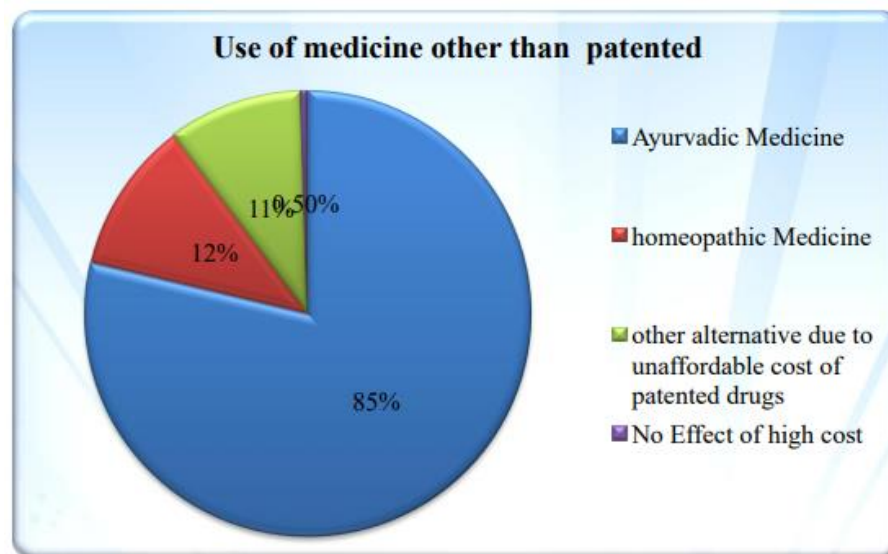


Figure 3: Uses of other than patented medicines

Eighty-five percent of patients prefer private hospitals, with the remaining patients going towards government facilities. Patients require compassion when being handled by hospital management, which is the reason why they do not trust the facilities supplied by private hospitals. Although the majority of institutions are managed by public welfare trusts, the cost of care in these hospitals is extremely expensive. Of the patients, 66% had only used allopathic or traditional medicine, and they do have faith in medical professionals. The remaining portion did not use allopathic medicine.

5. Conclusion and future scope

After passing the Patents Act in 1970, the government started periodically promoting the expansion of Indian firms' medicine manufacturing operations in the first half of the 1960s. This patent act extended the duration of method patents to five or seven years, but it also eliminated composition patents covering foods and medications. Due to the absence of patent protection, Indian businesses were able to monopolise a specific segment of the Indian and global markets by creating innovative, reverse-engineered procedures for producing affordable medications. Today's medications are all considered among the best options for life-saving medications. India's public health system is excellent at handling any situation, although it is not very advanced. People in India are dependent on government resources because there is not enough infrastructure available for them generally. We changed our national system in accordance with an international agreement, but the real world is very different. People are coerced into using the allopathic system, which favours the pricy patent system, for treatment. We have forgotten the Indian belief that prevention is preferable to treatment. In the pharmaceutical industry, we are fighting for both our economic and intellectual independence under the web of global corporations.

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