INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 4

2023

© 2023 International Journal of Law Management & Humanities

Follow this and additional works at: https://www.ijlmh.com/
Under the aegis of VidhiAagaz – Inking Your Brain (https://www.vidhiaagaz.com/)

This article is brought to you for "free" and "open access" by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact **Gyan@vidhiaagaz.com**.

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to submission@ijlmh.com.

Promotion of Mental Health as a Means to Achieve Global Public Health: Problems & Prospects

MOHD WAZID KHAN¹ AND ASMA PRAVEEN²

ABSTRACT

Mental health refers to the healthy mind of an individual, while public health is related to the healthy sense of the community at large. There are various links between the mental health and public health that is to protect the person's psychology, whether it is individual mental health or it is for the public at large, that is public health. That is why it is essential to take care of both mental and public health, and we talk about mental health with reliance. We mean to say the person is physiologically conscious and able to control his/her mind. Public health is always a matter of concern of the government, many programme and health policies regarding that are continuously conducted by the government, also about mental health; there are many ways by which a person can remove his sufferings. From the government to non-governmental organizations, everyone is concerned about mental and public health since it is the cause of many deaths occurring every day in India. The most common factor of suicide in India is suffering from mental health. Apart from the duty of the government, every individual in the society is cast with the duty to take care of their loved ones and also to their neighbors. Despite these efforts, news of new suicide cases, every now and then is heard every day. People are suffering from depression due to slowdown of the economy; this situation has been peaked during the pandemic. All these circumstances put questions despite all efforts to protect the mental and public health, can we say we are protecting public health at large? Has India fulfilled all the parameters set by the World Health Organization? Are we able to create awareness programmes globally? What is the legal status of public health at the International level? The authors will try to throw light on these questions and try to cover every perspective of public health priority. In the end, the authors will provide some suggestions that can be useful for the promotion of awareness programmes at the national and international levels.

Keywords: Mental health, Public health, WHO, Psychology, Health policy.

© 2023. International Journal of Law Management & Humanities

¹ Author is an Assistant Professor at Glocal Law School, Glocal University, Sharanpur, U.P., India.

² Author is a LL.M Student at Faculty of Law, Jamia Millia Islamia University, New Delhi, India.

I. Introduction

"Mental health is not a destination but a process. It is about how you drive, not where you're going" - Noam Shpance³

The WHO has defines the term 'health' as:

"... a state of complete physical, psychological, and social well-being and not merely the absence of disease or infirmity." 4

From the above-mentioned definition, it can be seen that mental health is a part and parcel of the overall health care.

Mental and physical well-being are complementary and supplementary to each other. It is interdependent on physical, social and emotional, functioning. Illness and Health also co-exist with each other. They are exclusive when well-being, except mental illness, is described in a restrictive way⁵. Recognizing health as a state of equilibrium between people, others, and the environment, allows societies and individuals to consider improving it and helping eliminate mental illness⁶.

The mental health of the public at large is also needed to be protected. Mental health requires to get protected against sufferings like depression, stress, overthinking, etc. Furthermore, the causes of this illness may be poverty, low education rate, unemployment, harassment, etc⁷. Mental illness arises from the behaviour of society. If you have a healthy environment, you feel free to do anything that makes you feel happy. In contrast, if you do not have a good atmosphere, you feel suppressed; you cannot enjoy your freedom, which leads to depression.

The number of suicides registered in 2019 is approximately 93,016 or 67 percent out of total number of suicide (1,39 lakh) committed by the young people between the ages of 18 and 45. Out of the total 1,39 lakh suicides, 6,491 individuals or 7 percent of the total numbers of suicide committed by young people were attributable to mental illness⁸. 5,257(5.6 percent) died from

³Noam Shpancer, Ph. D., is a professor of psychology. He received his Ph.D. at Purdue University, with specialty areas in clinical and developmental psychology. available at https://www.otterbein.edu/faculty/noam-shpancer/ (last visited on August 2nd, 2023)

⁴World Health Organisation official website available at https://www.who.int/about/who-we-are/frequently-asked-questions (last visited on August 2nd, 2023)

⁵ Slade, Mike. *Personal recovery and mental illness: A guide for mental health professionals.* Cambridge University Press, 2009.

⁶ Slade, Mike. *Personal recovery and mental illness: A guide for mental health professionals*. Cambridge University Press, 2009.

⁷ Khan, Mohd Wazid, Ahmed, W "Educational Backwardness of Muslims in Post-Independent India: Problems and Prospects" The Indian Journal of Politics 55 (3-4) (2021), 194-211

⁸ Singh, Ambika. Interruptions in Identity: Engaging with Suicidality Among the Indian Youth. SAGE Publishing

suicide due to alcoholic abuse. More significantly, the rate of suicide committed by males is comparatively high due to family issues. ⁹ According to the 2019 National Crime Records Bureau (NCRB) survey, 71 percent of suicidal death of individuals died due to mental illness and 64 percent of death resulted from suicide due to family tensions¹⁰. Moreover, sixty two percent persons died from suicide due to the issues relating to love. It is noted that ninety eight percent of suicide committed by male due to alcoholic addiction¹¹. The NCRB report shows that the percentage of death cases by mental illness is the highest¹².

Thence, it is a matter of grave concern even in the 21st century. We measure such a high number of suicidal cases because of mental illness¹³. We need better implementation of policies and laws regarding the mental health not only at the national level but also at international levels. Also, we need awareness programmes at the individual level.

II. PROMOTING MENTAL HEALTH FOR ACHIEVING PUBLIC HEALTH

Mental health is affected not only by the behavior of individual but also by several factors, including social, biological, and psychological factors. If we speak about the underdeveloped and developing countries, many threats of mental health and disease suggested by high unemployment¹⁴, poverty, and low levels of education are evident from the data. The relation existing between the poverty and the mental illness seems to be common¹⁵. However, in all kind of societies, no matter how the country develops, other factors in developed countries appear like insecurity and hopelessness, cases of violence, economic change, and role of family and child mental state.

The mental health is an important part of the entire health system, and the physical health must also be handled equally. Many other illnesses are caused by mental illness and sometimes associate with health risk habits such as drug misuse, use of tobacco, and the physical

 9 Nikhil Rampal, 'NCRB report' *India Today*, available at https://www.indiatoday.in/diu/story/ncrb-report-data-india-young-adults-suicide-2019-india-1717887-2020-09-02 (last visited on August 2^{nd} , 2023)

India, 2021.

¹⁰ Ahmed, Waseem, Anas Jameel, and Mohammad Nadeem. "Crime against Women in India: A review from NCRB report-2018." *International Journal of Society and Humanities* 17, no. 1 (2020): 56-66.

¹² Humd, Sana, Haris Umar, and Mohd Wazid Khan. "Abolition of Capital Punishment in India: The Need of the Hour." *Society & Sustainability* 4, no. 2 (2022): 40-48.

¹³ Keyes, Corey LM. "Complete mental health: An agenda for the 21st century." (2003).

¹⁴ Khan, M.W, Zaheeruddin, "Role of Dr. B. R. Ambedkar in The Empowerment of the Socio-Economic Status of Manual Scavengers in India" Published in Journal "Excellence International Journal of Education and Research (EIJER)" volume 09 Issue 04, 2020, pp 63-69

¹⁵ Read, John, Nicholas Haslam, Liz Sayce, and Emma Davies. "Prejudice and schizophrenia: a review of the 'mental illness is an illness like any other'approach." *Acta Psychiatrica Scandinavica* 114, no. 5 (2006): 303-318.

incapacity. While improving the mental health, social behavior as well as well-being plays an important role. Mental, social, and behavioural health issues many interact to increase the impact of each other on behaviour and well-being. The social state of every nation reflects people's actions; when women and children suffer from violence¹⁶, young people are unemployed. Poverty is at its height, difficult working conditions, gender inequality¹⁷, unhealthy lifestyles, and abuses of human rights, and the current situation during lockdown fully changes the functioning of society. At the same time, it has affected everybody, but there are several who suffered a lot from the lockdown are women, older people, labour class, LGBT, students, and many more. If we look into these factors, public health will automatically look affected¹⁸. Hence, the promotion of the mental health is considered as an integral to the public health¹⁹.

Firstly, it is the duty of the individual itself to control their emotions and take care of their health; secondly, that individual casts a duty to take care of their loved one and person around him/her; thirdly, it is the duty of the government to provide all the facilities in promotion of health including mental health²⁰.

III. HOW WORLD HEALTH ORGANISATION HELPS IN THE PROMOTION OF MENTAL HEALTH

The WHO is a leading international agency responsible for the promotion of health and it is continuously recognizing the value of the mental health. The role of WHO is to promote and foster health at the national and international levels. Its activities are also flows from the definition given by it of the term 'health'. Some of the interior functions of WHO include:

- "To foster activities within the field of psychological health, specifically those affecting the harmony of human relations." ²¹
- To facilitate the mental health, many world health assemblies adopted resolutions

¹⁶ Rani, S. Khan, Mohd Wazid. "Juvenile Delinquency in India: An Analysis" International Journal of Research Publication and Reviews, Vol 4, no 8, (2023) pp 221-227

¹⁷ JAMEEL, ANAS, and Waseem Ahmed. "Sustainable Development Goals and India's Commitment to Gender Justice." *Society & Sustainability* 3, no. 2 (2021): 68-86.

¹⁸ Ahmed, Waseem, Mohd Wazid Khan, Anas Jameel, and Mohammad Nadeem. "Legislative Developments and Judicial approach towards Prostitution in India: An Analysis." *RESEARCH REVIEW International Journal of Multidisciplinary* 7, no. 10 (2022): 75-81.

¹⁹ Clark, Caroline T. "Preparing LGBTQ-allies and combating homophobia in a US teacher education program." *Teaching and Teacher Education* 26, no. 3 (2010): 704-713.

²⁰ Barnes, Colin. "Disabling imagery and the media." *An Exploration of the Principles for Media Representations of Disabled People. The First in a Series of Reports. Halifax* (1992).

²¹ Fifty fifth World Health Assembly, *Mental Health responding to the call for action*, A55/18 (August 2nd, 2023)

urging contracting States "to take steps to prevent mental illness and promote mental health." In the year 2002, a resolution has also been adopted by World Health Organisation urging to "facilitate effective development of policies and programmes to strengthen and protect mental health". It was called for "affiliation building with civil society and key actions in order to enhance and implement global awareness-raising and advocacy campaigns on mental health."22

Some of the major steps taken by the World Health Organisation in the promoting mental health are given below:

- The WHO Western Pacific Regional Office has engaged the Member States in supporting and advocating mental health, including raising awareness of dementia, 2017. "LET'S TALK" depression initiative, promotion of the mental health at the workplace, reducing alcohol availability and access, as well as establishing robust strategizes for suicide prevention.²³
- The regional agenda for implementation of the "Western Pacific Mental Health Action Plan""24 (2013-2020) has been set with the goal of improving effective mental health leadership and governance, providing systematic and coordinated mental health promotion, as well as strengthening knowledge systems and analysis for mental health.
- "The Mental Health Gap Action Program (MHGAP)"25 seeks to enhance care for psychological, neurological drug use disorders, especially in those countries having medium and low incomes. The programme has also notes that millions and millions of people can be treated for existing schizophrenia, depression and epilepsy and adequate treatment, physiological support and medication is required to escape suicide and to lead a normal lives despite the lack of resources.

It is therefore, only a concerted efforts made by all industries and organizations could have an indirect or direct impact on mental health will make it possible to improve mental health. groups, foreign organisations, national governments, non-governmental Technical organisations, the health sector, and prospective donors were included at the international level. WHO is well placed to create strategic ties with all the above bodies and to build and conduct

²² *Ibid*.

²³World Health Organisation available at https://www.who.int/westernpacific/news/events/detail/2017/04/ 07/western-pacific-events/depression-lets-talk (last visited on August 2nd, 2023)

²⁴World Health Organisation Western Pacific Region 'Regional Agenda for implementing the Mental Health Action Plan 2013-2020 in the Western Pacific' (last visited on August 2nd, 2023)

²⁵WHO available at https://www.who.int/teams/mental-health-and-substance-use/mental-health-gap-actionprogramme> (last visited on August 2nd, 2023)

successful mental health initiatives. The international organizations like World Bank, ILO, UNICEF, UNHCR are some of the international organizations with which WHO are regularly collaborating in this regard.

There are ample proofs to illustrate two wide conclusions. Firstly, it is a global health priority to support mental health, and secondly, it is possible to use the existing public health system to promote mental health.

IV. Problems in making public health a priority globally

Better health, efficiency, and safety are related to enhancing mental health. In every country, the mental health is a key to optimal health and growth. The prevalence of burden of identified and unidentified mental disorders as well as mental health issues are widely known in all societies. While substantial progress has been made in the earliest diagnosis and treatment of such situations and the weaknesses of these approaches in improving the symptoms and the associated impairment have been recognized.

These situations require us to give more attention to additional methods for ensuring better public health. Although care for people with illnesses and their families and neighbours is extremely necessary, successful mental health promotion can support whole populations with significant cumulative benefits. A recognized risk to mental health is a growing and persistent socioeconomic disadvantage in subgroups in some countries, needs deep investment in the promotion of health, as well as larger venture in health promotion including measures of poverty alleviation²⁶.

The system of existing public health is also needed for the promotion of mental health. Promotion of mental health is time and again thought to be poorly defined and is different from the other areas of health, and a system for public health is rarely enforced. The facts and the ideas presented here indicate that the promotion of mental health needs and can be accomplished by the use of current public health and health promotion approaches. Collective involvement of substantial population and changes in health care system has been conceptualized as a means to achieve public health.

The promotion of mental health falls within this remit quite clearly. For the promotion of the mental health of communities, individuals and families the public health strategies such as public health education, policy, advocacy, community involvement, communication, research

© 2023. International Journal of Law Management & Humanities

²⁶ Stanhope, Marcia, and Jeanette Lancaster. *Public health nursing: Population-centered health care in the community*. Elsevier Health Sciences, 2015.

and legislative changes should be used. a lot of these steps encourage physical and mental well-being, indicating the incorporation of the mental health into the domain of public health.

It is possible to draw many other conclusions. These contribute to the sense of urgency and indicate the forms of action that are required. In itself, mental well-being has special importance, is fundamental to health, and is the basis of fake individuals and communities' well being and successful functioning.

V. PROMOTION OF MENTAL HEALTH AND ROLE OF INDIA

The Indian government started the National Mental Health Policy in the year 1982, taking into consideration the heavy burden of the community's mental illness and the utter adequacy of the community's mental health system. To promote the 1982 programme, the District Mental Health initiative was added to the programme in 1996.

On April 7, 2017, the government recently passed the Mental Health Care Act, 2017. This Act aimed to provide mental health care and services for individuals who have mental illness and to preserve, encourage, and fulfill the rights of such individuals during the delivery of mental health care and services.

VI. INDIAN CONSTITUTION AND HEALTH RIGHT

The Constitution of India has not included right to health under any specific provision. But it is the Indian judiciary who treat right to health an integral part of right to life which is fundamental for all human beings under Article 21 of the Constitution. The Supreme Court has given recognition to right to health vide different techniques of interpretation. "The government is under Constitutional obligation to provide health facilities."²⁷ The right to health is also one of the rights, which is implied under right to life and personal liberty as guaranteed by the Constitution of India²⁸.

There are many provisions related to the promotion of health under Part IV i.e., Directive Principles of State Policy²⁹, of the constitution of India. It requires the state to do following endeavors in this context:

1. It is one way of promoting welfare that Article 38 imposes an obligation on the state to ensure a social order in which the promotion of people's welfare through nominal

²⁷ State of Punjab v. Mahinder Singh Chawla AIR 1997 SC 1225

²⁸ Ahmed, Waseem, and Anas Jameel. "Constitutional Rights, various laws and Schemes for women empowerment in India." *International Journal of Society and Humanities* 12, no. 1 (2018): 178-184.

²⁹ Khan, Mohd Wazid and Zaheeruddin, "Manual Scavenging: A Practice Prohibited, yet Continues" Asian Resonance, volume 8 Issue 2, 2019, pp 62-68

healthcare provision will be the priority.

- 2. Further, Article 39(e) states that the healthy environment for the workers, men, and women and the tender age of women shall not be abused.
- 3. Article 42 provides protection to the infant and mother by maternity benefit.
- 4. Article 48A ensures that the state shall endeavor a healthy environment.

The rights contained in DPSP are non-justifiable, and they cannot be enforced if the state did not fulfill its duty. Hence, it is considered that the health right is not explicitly contained in the Indian constitution.

VII. INTERNATIONAL CONVENTIONS BINDING ON INDIA

India is a signatory of various International covenants, which binds India to promote health, including mental health³⁰. Some of them are:

- "Article 12 of the International Covenant on Social, Economic, and Cultural Rights (ICSECR) binds the States Parties to this Convention to accept the right of all to the maximum possible standards of physical and mental health of all".
- "Article 5 (e) (iv) of the International Convention on the Abolition of All Types of Racial Discrimination, 1965 includes provisions relating to the right to public health and medical treatment".
- "Article 11(1)(f), 12 and 14(2)(b) of the 1979 Convention on the Elimination of All forms of Discrimination against Women gives the right to occupational health and safety protections, the Contracted State must ensure equal access to women's health facilities and ensure equal access to adequate health facilities, including information, counseling and family planning services".
- "Article 24 of the 1989 Convention on the Rights of the Child states that all State parties
 must ensure that no child should be deprived of his or her right to access good health
 care services".
- "Article 28, 43(1)(e) and 45(c) of the 1990 Convention, the International Convention for the Protection of the Rights of All Migrants Workers and Members of their Families, provides migrant workers and their families with fair access to medical facilities, as well as equal access to social health services for migrant workers and their families".

³⁰ Khan, Mohd Wazid "Human Rights, not for Manual Scavengers: The deserted state of rights of scavengers in India", Global Challenges & Solutions, KAAV Publication, New Delhi, March 2018, pp 263-278.

• "Article 25 of the 2006Convention on the Rights of Persons with Disabilities contains health provision".

VIII. CONCLUSION

To sum up, it can be concluded that despite the best efforts to prevent mental illness, we are suffering more and more from depression, psychological illness. The authors highlighted some of the major reasons for mental illness and mental health problem at the national and international levels. Following are some suggestions and recommendations in promotion and implementation of mental health.

(A) Suggestions

- It is essential to promote mental health as it is also related to the human rights, justice as well humanitarian values as well as standards. All measures to improve mental health at the national and international levels, including at grass root level, should be taken.
- Its promotion is also important as it relates to human rights and equity as well as overall utilitarian and humanitarian norms and values. All the efforts to promote mental health should be adopted at the national and international level, including the grass-root level.
- Mental illness is mostly affected by adverse socio, economic and political conditions of
 any country. Some of the conditions including poverty, education, weaker section of the
 society, unemployment, illiteracy, etc. Such vulnerable groups need to be improving in
 order to promote public health.
- Promoting mental well-being may be carried out with the involvement of the community
 and society at large. Not only does this ensure that the interventions are appropriate, but
 it also increases viability. The key to the successful realization of mental health
 promotion services is inter-sectoral cooperation.
- Better mental health is the primary objective of any collaborative programme. Hence, mental illness needs to improve with systematic approaches.
- The promotion of psychological state is always attained by an effective social interventions and public health. While further study and appraisal are needed, there is ample evidence at various levels to show the efficacy of programmes a nd strategies to improve the psychological condition of populations.
- Interventions that are seen to be effective should be applied in a culturally relevant ma nner where possible and tested.

- Intersectoral cooperation should be fostered because it is the secret to successful psych ological government promotion initiatives. The first goal is psychological condition results with a few collaborative projects. These may also be secondary to other social a nd economic results for the majority, however, but are important in their title.
- Programs' sustainability is essential to their success. In order to promote the sustainability of psychological state promotion services, it was important to enable the participation of all stakeholders, community ownership, and continued availability of resources.
- Systematic review and analysis of programmes are much needed to extend the evidence based applicability in varying cultures as well as resource settings.
- International action is also needed to produce and disseminate more data to assist middle
 and low-income countries for implementing successful and ineffective programmes as
 well as to promote international cooperation.
- Mental health must be part of the course at the school and college level. The chapter on mental health must be teaching at every school and college.
- To promote mental health, grass-root level implementation of the policies and programmes must be conducted to achieve the purpose of policies and programmes.
