

## **THE STRUGGLE FOR HEALTH INSURANCE: DISABLED CITIZENS AND INSURANCE COMPANIES**

In a country like India, where access to quality healthcare is a pressing issue, disabled citizens face an additional hurdle where insurance companies are frequently denying them health insurance coverage. Despite regulations in place to protect the rights of disabled individuals, this article delves into the reasons behind insurance companies' hesitance and explores the impact it has on disabled citizens.

For the betterment of the disabled citizens, India has enacted the legislation to protect the rights of disabled individuals. Under the constitution of India and the Rights of Persons with Disabilities Act, 2016, every citizen has the right to healthcare and medical assistance. Denying health insurance to individuals with disabilities or any other medical condition is a violation of their fundamental rights. Insurance companies cannot discriminate against individuals based on their disability and must provide coverage to all individuals without any discrimination. Furthermore, the Insurance Regulatory and Development Authority of India (IRDAI) has also laid down guidelines to ensure equal opportunities for insurance coverage, including health insurance for everyone.

That despite having established legislations and guidelines, Insurance companies often denied their applications or imposed exorbitant premiums, leaving many individuals without access to healthcare services. The denial of health insurance coverage to disabled citizens has severe consequences for their well-being in India. Timely and affordable healthcare is essential for managing chronic conditions, preventing complications and improving overall quality of life. Without insurance coverage, disabled citizens may struggle to afford medications, medical equipment's, therapies or surgeries, exacerbating their health conditions and leading to increased healthcare costs in the long run.

In recent times, several judgements by various courts in India have reinforced the principle that insurance companies cannot deny health insurance coverage to individuals on discriminatory grounds. These judgements have highlighted the fundamental right to healthcare and the need for insurance companies to provide coverage without any discrimination.

For years, people with disabilities or pre-existing conditions have faced numerous hurdles when it comes to securing health insurance coverage. However, the Hon'ble High Court of Delhi recently delivered a judgement which marks a turning point in the fight for inclusive healthcare in India. In "*Saurabh Shukla vs Niva Bupa Health Insurance Co. Ltd. [W.P. (C) 6074/2019]*", Hon'ble High Court's held that insurance companies cannot refuse coverage solely based on person's disability or pre-existing disease. Denying insurance to individuals on these grounds is not only discriminatory but also violates their right to access healthcare services. The Hon'ble High Court directed the insurance regulator to call a meeting of all insurance companies to design health insurance schemes for people with disabled and introduce them preferably within two months. The Hon'ble High Court also asked the Insurance Regulatory and Development Authority of India (IRDAI) to take immediate steps to modify the terminology "sub-standard lives" in their regulation and ensure that such "unacceptable terminology" is not used while referring to person with disabilities. Pursuant to these directions, various general and standalone health insurance companies have launched their products for Persons with Disabilities (PWD), Persons afflicted with HIV/AIDS and those with Mental illness.

That access to healthcare is a fundamental right guaranteed to every citizen in India. Health insurance coverage is an essential aspect of ensuring that individuals have access to quality healthcare as well. However, insurance companies have been known to discriminate against individuals based on their medical conditions or disability. This has led to individuals being denied health insurance coverage, even when it is essential for their health and well-being. However, the aforementioned judgement passed by the Hon'ble Delhi High Court is a ray of hope for those whose health insurance has been denied on the ground of disability or pre-existing disease.

The denial of health insurance coverage by insurance companies based on pre-existing disease can be a distressing situation for individuals in need of medical assistance. In such challenging times, seeking legal representation becomes essential to fight for one's right and ensure access to necessary healthcare services.

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