Chapter 3

Concept, Review of Literature and Methodology
Introduction

Health

Health is a state of complete physical, mental and social well being which is essential for leading a productive life, and it is not merely the absence of disease or weakness. Health is a issue of fundamental right ,it also consider as a human right and obtainment of highest level of health is a most important social good health\(^1\), food clothing, shelter and education is the basic need of every people. Society and individual has need affordable health services. Health services have a major influence on the well-being of individuals and societies, health issue is the important part of nation’s polities and economy. Ill health of the nation’s people. Nation cannot lead, or reduce the economic growth of the country. Health has also been accepted in the constitution as a human right. Health services must be accessibility and affordability to all people both in rural and urban areas and should be acceptable or affordable to the people who belong to poor segment of the society.

The broad definition of health implied by the right to health encompasses both the curative and preventive aspects of health. It has been said that this dual focus corresponds with the distinctive perspectives of clinical medicine and public health, both of which have influenced how the right to health has been defined and evolved, whereas clinical medicine has traditionally focused on the health states of individuals,

\[ \]

Public health has focused on the need to promote and protect the health of population and to ensure condition under which people can be healthy and remain so. Right to health was conceived in broad terms that included a right to a standard of living adequate for basic health. Health status is influenced by a number of socio-economic factors that are generally accepted as falling outside the confines of clinical curative medicine. It takes accounts of the holistic approach to health that that regards both health care and social conditions as being important particular ways of health status. In other words that accepts that right to the highest attainable standard of health. In this way include the provision of safe drinking water, adequate sanitation, and health-related education and information, as well as others such as equitable health-related resources distribution, gender differences, and social well-being. Right to health has been recognized by legal, it is important because it allows the right-to be claimed by individual and groups. In the human right-approaches, health of individuals and groups can benefit from using human right approaches because it stipulates legally sanctioned guidelines on that individual and groups are entitled to receive, or to be protected from, to achieve the highest attainable standards of health, and the government is responsible for providing the necessary services and conditions.

**Primary Health Care:** primary health care is defined as “essential health care based on practical, scientifically sound and socially acceptable methods and technology, made universally accessible to individual and families in the community through their full participation and at a cost-that the community and country can afford to maintain at every stage of their development in the spirit of self-reliance and self determination”. Primary health care is a play vital role in India.
PHC is the backbone of health services delivery. Delivery of health service to large population is always challenging primary health service is the central point and integral part of country is health system, which it is the central function and main focus and of the overall social and economic development of the community. It is the first level of contract of individual. The family and community with national health system bringing health care as close as possible to where people live and work and constitutes the first element of a continuing health care process. In India the first national health policy in 1983 aimed to achieve the goal of health for all by 2000 AD, through the provision of comprehensive primary health care services. It is also mention in the constitution article 21; PHC is integral part of this article. Health related services like, nutrition, drinking water, supply and sanitation, these all are the primary needs of the every citizen of the country. The state must have to provide these basic needs to their population without discrimination and take major effective steps to active involvement and participation of voluntary organization provision of essential drugs and vaccines; qualitative improvement in health and family planning services; provision adequate training; medical research aimed at the common health problem of the people.

---

Secondary Health Care: the vast majority of patients can be fully dealt with at the primary level. Those who cannot are referred to the second tier for the opinion of specialist. Secondary health care often requires the technology offered by a local or regional hospital.

Tertiary health care: the third tier of health care, employing super specialist-serious is offered by institution such as teaching hospital and units devoted to the care of particular groups. The dramatic difference in the cost of treatment at the various levels is a matter of particular importance in developing countries, where the cost of treatment for patient at the primary level is usually only a small fraction of that at the third level.

Health Insurance

The term of the health insurance is that insurance essentially cover your medical insurance as well as surgical insurance. A health insurance policy like other policies is a contact between an insurer and an individual and group in which the insurer agrees to provide specified health insurance cover at a particular “premium” subject to terms and conditions specified in the policy. Health insurance protect us from the sudden, unexpected cost of hospitalization which would otherwise make a major dent into house hold savings or even lead to indebtedness. There are various health hazards and a medical emergency can strike anyone of us without any prior warning. Health care is increasingly expensive, with technological advance, new procedure and more effective medicines that also driven up the cost of health care while these high treatment expenses may be beyond the reach of many, taking the security of health insurance is much more affordable.

3. www.policyholder.govt.in,
Health insurance or medical insurance also known as med claim is a type of insurance coverage that pays for medical and surgical expenses that are incurred by the insured. Health insurance can either reimburse the insured for expenses incurred from illness or injury or pay the care provider directly. Health insurance is often included 4 in employer benefit-package as a means of or retaining quality employees.

According to the Encyclopedia: - Health insurance is insurance against the risk of incurring medical expenses among individuals, by estimating the overall risk of health care and health system expenses, among a targeted group, an insurer can develop a routine finance structure such as a monthly premium or payroll tax, to ensure that money is available to pay for the health care benefits specified in the insurance agreement. According to health insurance association of America: health insurance is defined as “coverage that provide for the payment of benefit as a result of sickness or injury. Include for losses from accident, medical expenses, disability, or accident, death and dismemberment”

A system for the advance financing of medical expense through contribution or taxes paid into a common fund to pay all or part of health services specified in an insurances policy or law. Health insurance may apply to a limited a short range of medical services and may provide for full or partial payment of the costs of specific services. In the health insurance there are key elements are: risk payment, advanced payment of premium, age eligibility for benefit, taxes, pooling fund, contribution or employment without an income or assets test 5.

---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------
4. www.emediclaim.com
5. Britiannica. Com:
Principal of health care

Principals of health care that have been designed to work together and be implemented simultaneously to bring about a better health outcomes for the entire population.

1. **Accessibility**: - Equal distribution of health care system is the important key of primary health care without equal distribution of health provision it cannot be better health outcome for the entire population. Health services must be equal distribute to all people of country community, caste, race, sex, rural area as well also urban area, where the most needy and vulnerable groups of the population live.

2. **Community participation**: - only one person cannot achieved any goal of the country, participation of community is essential for achieve goal, but meaning full, planning, implementing provision of health care system and utilization of local resources, money and material, involvement of these thing are essential this can be utilized to fulfill the goal of health care.

3. **Health promotion**: - this is also the important key of primary health service, awareness extent through the promotion, like, health education, nutrition, sanitation material and child health, and prevention and control disease. Through health promotion families, individual aware, and understand and determines about health protect or develop skills to improve and maintain their health and well being.

4. **Appropriate technology**: - the technology of health service must be simple, effective, cheap, sustainable definition of appropriate technological for health care declared in Alma ata declaration (1978).

“Primary health care is essential health care based on practical, scientifically sound and socially acceptable methods and technology made universally
accessible to individual and families in the community through their full participation and at a cost that community and country can afford to maintain at every stage of their development in the spirit of self-reliance and self determination.”

Appropriate technology for primary heath care is the proceedings of the national workshop on appropriate technology for primary health care help at the Indian council of medical research (ICMR) new Delhi from 23-26 April. Any technology has been comprehended as a combination of social imagination and technology innovation and simply and technology that makes the most economical use of the country natural resources and its relative proportion of capital Labor and skills that contribute to national and social goals. This conference is focused on. Health Information for health care, primary health care, Sanitation, health care reforms in rural-urban areas.

5. **Inter-sect oral Collaboration: -** the health rector is generally expected to provide health to the public. The health rector, In turn, expects inputs from other rectors. Many of which do not necessarily subscribe to the common son purpose of or shared responsibility for health Improvement. In the health literature. The term intersect oral collaboration frequently refers to the collective actions involving more than one specialized agency. Performing different roles for a common purpose.²

6. www.communityhealth.in

Literature review

Subitha Lakshminarayan point out “role of government in public health: current scenario in India and future scope” primary health essential for every citizen of the country. Public health has been good performing in India. The role of the government in infecting population health is not limited within the health sector but also by various sectors outside the health system. in this article government need to determine health like living condition, nutrition , safe drinking water, sanitation , education. Population stabilization like issues is important areas for action. Government makes many provisions regarding the issues but most of the provision does not work properly because of population. Growth of population in this changing world with the unique challenge that threaten the health and well being of the population. It is compulsory that government and community collectively rise to the occasion and face these challenges. Author point out the public health agenda in the frame work of sustainable development these frame work is fulfill when the line between urban and rural areas has reduced with adequate access to clean energy and safe water. Where the best of health care is available to all. In this changing world, with unique challenges that threaten the health and well-being of the population, it is imperative that the government and community collectively rise to the occasion and face these challenges simultaneously, inclusively and sustainably. Social determinants of health and economic issues must be dealt with a consensus on ethical principles - universalism, justice, dignity, security and human rights.

In this paper point out about the right to health care, our constitution creates some right for the people to earliest-way to secure their right. The point is a legislation creating some right to health care or imposing some obligation of providing health care services on the government. In this paper (Amar Jesani “laws and health care Providers”) mentioned that it would give a socio political advantage to the needy people or poor people, but poor people. meaning they do not know about their right to health care government should focus or advertize about health care or take serious steps to get right the poor or needy people. Meaning of right in practice depends upon whether right is declared in an operative or programmatic norm. a right to health as an objective of the state long term goal, started in the text of constitution as it in the constitution right but without and operating law and political will and resources to translate the right into practice on the other hand the practice legal right whether enshrined in constitution or not backed up by commitment of resources, would create a ground for actual realization of that right, fully or partially. As a explain about that right is absolute but not unlimited amount of the health care in all cases and all situation. Every right has their own limit. A legislation making health care accessible would create popular pressure and need participation for all needy people as well government improving access and also the access to the adequate health care. It believe that an under developed country like our country provide least basis health care services as a right\(^9\).

\(^9\) Amar Jesani “laws and health care Providers” (1996 Jan) a study of legislation and legal aspects of health care delivery.
In this paper analyzed legal issues from the standpoint of making health care universally accessible to all people and for providing various health care rights to people. Strongly believe that this perspective should guide us in both policy formulations as well as in its operationalisation through legislation. Outdated and inadequate legislation; and the inability or failure of the government to enforce existing regulations poor quality of health series places a major risk on the life of people using facilities having deficient standards. It difficult for people to make informed choices in selecting health providers but also limits their capacity to demand best services with the lack of any kind of Quality. Health insurance sector to private to provide participation makes it compulsory for health care providers to provide quality care. There is a growing demand from Consumers for better quality health care. Spirally from the middle classes, as reflected is the growth in use of consumer protection ululation to substitute for the inadequacies of the existing health care regulatory system. In India accreditation (Procedure) is not a new concept. Relationship between supplier-reliant is depend upon quality of health series provide. Better series are bound to be made available on the basis of demand. Supply relationship, it cannot be denied that it is necessary to prescribe a minimum standard for health care facilities. The private sector health care delivery system is largely fragmented mainly is urban areas and single practitioners dominant is rural areas. As all above, the need of the hour is to develop an enabling environment is which high quality of health care can fro flourish throughout the country.  

10. Sunil Nandraj, Anagha Khot “Accreditation System for health facilities challenge and opportunities” is Economic and political weekly Dec 13, 2003
Sunil Nandraj has point out the word “accreditation” – it means that national recognition or a procedure for provide better or high quality of care. Accreditation is playing important role for implementing is any function this way accreditation force on quality of care and is linked to strategies for improving quality of care and promoting best practices in accreditation systems, standards are clearly defined and graded compliance is assessed by intermittent external review by health professionals and accreditation is awarded for a time limited period the Several decades have brought about improvements is the health system but the improvement are foiled; deficiencies persist with serpent to access, affordability, efficiency, quality and effectiveness of health services. There are Several Information indicates that national and international level the poor quality of health services in private and public health care sector as measured by reported and astral diagnostic and Treatment practices inadequate facilities and equipment; over prescribing and it subjecting of patient to unnecessary investigations and intervention; and failure to provide information to patient in most states in India there is an absence of legislation for regulating private health care facilities, laboratories and various types of health centers nor have standards of medical practice been prescribed in terms of qualification of staff employed, equipments needed, administration or treatment offered. Poor quality of health care in private and public hospitals, lack of monitoring by statutory authority11.

-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

11. Ibid,
This paper is focus (Bhabani Prasad Mishra “health care all-is it distant dream?”) On the international covenants as well as national moment ion that guaranteed under the constitution for the growth of right to health by the corers in India. It indicator that health and human right are Interdependent Each other. Economic growth and social welfare the county is generally depend upon the health of an individual. Health care is defined by (WHO) and universal declaration of human rights indicates that right to health is the right of the all human ideas who, has played the best supportive role for more than 50th years mating policies development and take Action at the national or global levels, with an overall objective of ensuring and attaining the highest standards of health care to all the people around the world. 

Some international variation in the interpret him and application of the right to health due to considerations such as how health is defined what minimum entitlements are encompassed in a right to health, and which institution are responsible for ensuring a right to health. In this deflation and declaration does not clear that “highest attainable Standard” should be assessed with rupee to the economic infrastructure of a single nation or with rupees to the global community other word highest attainable standard of living that nation car provide does not satisfy the existing consensus on the maiming health related right to which all people are entitled in develop - world many government in cannot provide adequate health care and luring conditions for all this citizens. 12 Point out that to health as one of the defended at all costs. Interpreted by the judicial system it requires government to spend a large portion of its resources to provide its citizen.

Which is not easy task for Every Government?

This is accepted fort that in India much development in science and technology contribute to the field of medicines. But sadly health care service did not reach aural areas. Public health care is imager responsibility of government to protect public from the human development public health is most important way for achieving goal, but this issue is regaled in India. Public health is very much important for people in rural areas health facilities are available do not get about to remote corners of the rural areas.\(^\text{13}\)

It point out that the health care facilities available in rural areas are not enough to meet the growing demand of the people.

It observed that no effective steps have been taken to implement the Constitutional obligation upon the state to secure the health of human and being strong of people. For the development of human heronries nutrition, education, and health are impolite role play in human life, but there sectors get adequate attention only when community become a personable to meet the heavy expenditure involved in each. For achieving the constitutional obligations and also the objective of “health care for all” there is lob of need on the part of the government to mobilize non government organization (NGO) and the general public towards this participation for monitoring and implementation of health care facilities. Without changes the in social strictures, improvement in health and genomics status will so main a distant dream for the many millions that live in the margins of a resurgent’s India, at last twang to say that government should formulate legislations and health polices facilitating the participation of the public in health care.

--------------------------------------------------------------------------------------------

13. Ibid,
Health care is only one determinant of health outcomes; good health is also a result of better nutrition, safe drinking water and sanitation, universal access to education, gainful employment and better working and living conditions. In this paper (Amit Sengupta “Universal health care in India-making it public making it a reality” ) argues for a fundamentally different vision of Universal Health care policy premised on creating an integrated and comprehensive public health system that provide facilities of health care according to prioritizes peoples need, and reversing the drift toward increasingly private health care delivery. The health sector in India is in a state of neglect and large sections of the population depend on a poorly regulated private sector increasingly dominated by big hospitals, which have an infamous track record of unethical practices infect, with private health Care accounting for 80% of outpatient and 60% inpatient care, India is one of the most privatized systems in the world. Public health services are marked by poor access, law quality and investment in medical education. Improper training and flawed deployment mechanisms. Programs Such as nation purl health Mission (2005) have made some inroads by improving access to health works in India served areas. But much remains to be done pool management results in mismatches between demand and supply of services. The problem is largely one of the irresponsiveness to needs articulated by citizens but also one of unreliable technical estimates of disease burden and of costs of health care leading to ill informed prioritization of health care needs in the public system.

---

14 Amit Sengupta “Universal health care in India-making it public making it a reality”
may-2013
Out of pocket expenditure on health care continues to contribute to widespread poverty in India in an attempt to protect patients from ‘catastrophic’ health expenses, publicly funded health insurance scheme have been rolled out. But they exclusively leaving out most infectious and chronic diseases –and up distorting an already weak public health system by reelecting primary care and giving private provides the higher had. The private sector is Growing Rabidly and developing India a corporate hospital based system of care. This sector is largely unregulated, expensive, often provides care of dubious quality, and is plagued by complaints of unethical behavior while India is recognized as one of the fastest growing economics in the developing world. This growth has done little to improve the lives of large segments of the population. The health sector has performed particularly poorly with public health expenditures at 1.04% of GDP in 2013. In this observed that current state of the public health system in India and describe the dominance of the private sector.15

15. Amit Sengupta “Universal health care in India-making it public making it a reality” may- 2013. 15. Ibid,
**Objective of the study**

1. To find out law level of med vial penetration in India.
2. To find out the challenges in distribution of health insurance in India.
3. To identify low quality of public health insurance services.
4. In adequate information regarding health insurance ailment, procedures and treatment and out Comes.
5. Inefficiency in health insurance provisions.
6. Discrimination of distribution of health services.
7. Low level of health promotion in India.

**HYPOTHESIS**

Indian constitution contains several provisions that have a bearing on the right to health. But no direct reference on right to health can be found in part iii of fundamental rights.

To study the policy of state towards public health insurance.

To study how state initiative on basis access to health care.

To study difficulties in the implementation of the decision of the court.

To study role of universal health care and the Insurance Regulatory and Development Authority towards public health insurance.

Policy of the health insurance of state/Government is not having back up by a comprehensive law that makes basic health security.
RESEARCH METHODOLOGY

Collecting Data is the first step in completing any research study or paper data comes in from primary data and secondary data. Primary data is generally obtained from studies, interior and experiments conducted by the researchers personally secondary data is collected from published sources and research conducted by other people. Primary data is obtain but is tailored especially for study and therefore nose important as a sources of data primary and secondary data it s involving quantitative and qualitative information. My research my research is based on totally doctrinal method:-

1. Where information and data relating to the following health insurance models were gathered collected from the respective department of health and family of respective administration of various programmers, conferences articles other researches, who qualitative information data were obtained through a structured questionnaire.

2. Data lowered through personal interviews.

3. Data also gathered from IRDA, in respect number of policies, claims similar data were obtained from available publish literature, report rebidding to health insurance programmers.

4. Various news paper as well as magazines also do collect data in respect of health care.

5. Unpublished sources there are certain records maintain properly by the government agencies private officer and firms, there data are not published.
**Need of the study**

Various studies have examined the relationship between health insurance, health cost employees health care for poor, health care distribution, etc. but this present study is faces on the utilization need of health insurance in our society, and what the hurdles are and challenges fauns when exiled the health insurance awareness, in sense what type of benefits give to the society. It is needless to say that the quality of health insurance services provide is an important matter of concern when people seek medical care. Need for the study persons why health insurance is a must reasons are as follows:-

1. Life styles have changed: -
   Life styles of Indians have change. Due to this suffer from high levels of stress. Exercise time decease, long hours work, and unhealthy food improper balanced diet.

2. Pare non communicable disease are now common: -
   This is most important reason the Indians must have health insurance because of these diseases like, obesity, high blood pressure, strokes, and heart attacks.

3. Expensive medical care:-
   today is medical care is unbelievable expensive, high operating expenses therapy for breast caber costs as much as Rs.2 lakes for 3days –have used queerly by richest person another words .among the affluent groups, 20% need to sell their valuable assets so they can accumulate the required amount to meet health care costs.

4. Financial burden:-
Indirect sources of expenses travel, boarding and lodging, and even temporary loss of income, this is indirect costs add to the financial burden account for as much as 35% of the overall cost of treatment host often, overlook this fact when planning for medical expenses.

5. Incomplete financial planning: -
Most of us have insured our home, vehicle, child and education and even our retirement years. Ironically, it has not insured our health. We ignore the fact that illnesses strike without warning and seriously impact our finances and eat our saving in the absence of good health insurance or medical insurance plan. Over two thirds of all Indians sell assets or dip into existing saving to meet healthcare costs.