

Jan Swasthya Abhiyan

(Peoples Health Movement – India)

Health for All - Now!

Health is a Basic Human Right!

National Convenors:

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National Co-ordination Committee:

All India People's Science Network (AIPSN)
All India Drug Action Network (AIDAN)
All India Democratic Women's Association (AIDWA)
Bharat Gyan Vigyan Samiti (BGVS)
Breast Feeding Promotion Network in India (BPNI)
Catholic Health Association of India (CHAI)
Centre for Community Health and Social Medicine, JNU
Christian Medical Association of India (CMAI)
Forum for Creche and Child Care Services (FORCES)
Fed. of Medical Representative Assns. of India (FMRAI)
Health Watch
Jan Swasthya Sahyog (JSS)
Joint Women's Programme (JWP)
Medico Friends Circle (MFC)
National Alliance of People's Movements (NAPM)
National Federation of Indian Women (NFIW)
National Association of Women's Orgs. (NAWO)
Public Health Resource Network (PHRN)
SAMA – Resource Group on Women's Health
SATHI – CEHAT
Society for Community Health Awareness
Research and Action [SOCHARA]

Participating Organisations:

Over 1000 organisations concerned with health care and health policy from both within and outside the above networks.

JSA Statement on the High-Level Group on Health constituted by the Finance Commission

The fifteenth Finance Commission has constituted a High-Level Group¹ "to examine the strengths and weaknesses for enabling balanced expansion of health sector". Dr. Randeep Guleria, Director, AIIMS, New Delhi is appointed convenor with Dr. Devi Shetty, Chairman, Narayana Health City, Bengaluru, Dr. Dileep Govind Mhaisekar, Vice Chancellor, Maharashtra University of Health Sciences, Pune, Dr. Naresh Trehan, Medanta City, Gurgaon, Dr. Bhabatosh Biswas, Prof & HOD of Cardio Thoracic Surgery, R.G. Kar Medical College, Kolkata and Prof. K. Srinath Reddy, President of Public Health Foundation of India as members.

The roles and responsibilities assigned to the group are:

- "To evaluate the existing regulatory framework in the health sector and examine its strengths and weaknesses for enabling a balanced yet faster expansion of the health sector keeping in view India's demographic profile;
- To suggest ways and means to optimize the use of existing financial resources and to incentivize the state governments' effort on fulfilment of well-defined health parameters in India; and
- To holistically examine best international practices for the health sector and seek to benchmark our frameworks to these practices for optimizing benefits keeping in mind our local issues."

The constitution of the group and its roles and functions raise many questions:

Who gave Finance Commission the Mandate?

Under the Constitution, Finance Commission has been given the responsibility to make recommendations to the government regarding the distribution of the net proceeds of taxes between the centre and the states and among the states, provision of grants in aid from the centre to the states, etc. Nowhere in the Terms of Reference (ToR) of the fifteenth Finance Commission, are there any specific references related to regulation of health sector. Previously, a High-Level Expert Group (HLEG) on universal health coverage was constituted under the Planning Commission by the UPA government. This was justified since it came under the purview of the Planning Commission's mandate. Health is a state subject and the formation of the group under the aegis of the Finance Commission is clearly an overreach by the centre on states' powers.

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Why is the Private Sector represented so prominently?

The composition of the group is highly problematic. Out of the five members, two are extremely prominent names in the field of private corporate healthcare. This is a form of ‘regulatory capture’ where entities who need to be regulated capture regulatory institutions. Further, a majority of the group are clinicians specialised in tertiary care, and there is an absence of other health professionals. There are no representatives from either the central or the state health ministries or their agencies in this group. Neither is there representation of civil society organisations, media, activist, legal or consumer groups. All the members are male, exhibiting a clear gender bias.

Vague and ambiguous ToR

The first point in the ToR is about evaluation of the existing regulatory framework for the expansion of the health sector. The term “health sector” has a discernible market connotation and it is not clear whether this “expansion” is aimed at strengthening of the existing public health delivery system or is it directed at further strengthening the corporate health care industry. It is also not clear whether the regulatory framework here refers to the Clinical Establishment (Registration and Regulation) Act, 2010 or similar state laws.

The second role assigned to the group is about incentivizing “the state government’s effort on fulfillment of well-defined health parameters” amounts to usurping the role of the central health ministry and it is unclear whether states will be consulted. Further, in the third point there are no clear indications whether the examination of the said “international best practices” are for the benefit of public health system or the private healthcare industry. There is also a mention of “our frameworks” and it is unclear whether this refers to the current regulatory framework which is the Clinical Establishment Act or a regulatory framework for health insurance or whether it refers to the need to revisit specific standards such as the Indian Public Health Standard (IPHS) or the National Accreditation Board for Hospitals & Healthcare Providers (NABH).

The constitution of this group in an arbitrary manner and its skewed composition is very unfortunate and worrisome. Given the government’s recent initiative for an insurance based National Health Protection Scheme (NHPS), we are concerned that this is an exercise in preparing the ground such that the private sector would benefit the most from its rollout.

That the formation of the committee with a mandate with wide-ranging consequences, has avoided media attention is also a matter of great concern. Jan Swasthya Abhiyan lodges a strong protest against the constitution of this group and urges the government to revoke this committee. Health is an important public policy matter and any committee constituted to frame policies or provide recommendations related to it should be representative of all interests and sections in the society. **The finance commission is a constitutional body vested with specific powers related to financial devolution. It has no role in planning for health and should not be given any responsibility that would be an overreach of its powers.**