
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**Civil Writ Petition No.11249 of 2013
Date of Decision: November 13, 2017**

Monika Dudani Mehtab

...Petitioner

versus

The Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Ms. Monika Dudani Mehtab, petitioner in person.

Mr. Arun Gosain, Central Govt. Counsel
for respondents No.1 & 2-Union of India.

Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate for respondent No.5.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

Mr. Lokesh Sinhal, Addl. A.G., Haryana.

Mr. Ashwani Talwar, Advocate,
Mr. Akshay Bansal, Advocate,
Mr. Lalit Narang, Advocate and
Mr. Varun Sharma, Advocate
for respondents No.6 to 9.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner, by way of public interest litigation, filed
under Articles 226/227 of the Constitution of India has, *inter alia*,

sought a writ of mandamus for issuance of following directions:-

- (i) Respondents No.6 to 9 to provide insurance coverage for the treatment of the disease of infertility which has been singled out for blanket exclusion from insurance policies thereby violating the right to equality of the infertile couples guaranteed to them by Article 14 of the Constitution of India.
- (ii) Respondents No.1 and 5 to fulfill their constitutional obligations cast by Articles 14 and 21 of the Constitution of India by ensuring that the insurance companies operating in India provide insurance coverage for the treatment of the disease of infertility.
- (iii) Respondents No.2 to 4 to issue necessary directions and guidelines to the government hospitals to provide treatment of the disease of infertility at par with the other diseases affecting the human body.

2. Upon notice of motion having been issued, an additional affidavit dated 18.10.2017 on behalf of respondent No.5-IRDA through DVS Ramesh s/o Late D. Visweswaram r/o Plot No.325/2RT, PS Nagar, Vijaya Nagar Colony, Hyderabad working as General Manager, with the Insurance Regulatory Development Authority of India, Hyderabad has been filed wherein it has been stated that there are insurance products already in the market now covering the infertility. The details of the updated list covering the infertility has been specified in Para No.2 of the affidavit which reads thus:-

Name of the Insurance Co.	Name of the Product covering infertility	Type of the Product- individual/ Group	UIN No.
National Insurance Co. Ltd.	National Parivar Mediclaim Policy	Individual (Family Floater)	IRDA/NL-HLT/NI/P-H/V.I/61/14-15
	National Parivar Mediclaim Plus Policy	Individual (Family Floater)	IRDA/NL-HLT/NI/P-H/V.I/62/14-15
Star Health Insurance Co. Ltd.	Family Health Optima Insurance Plan	Individual	IRDAI/HLT/SHAI/P-H/V.III/129/2017-18
	family Health Optima Accident Care Policy	Individual	SHAH LIP18022V031718
	Star First Optima	Individual	SHAH LIP18039V021718
Aditya Birla Health Insurance Co. Ltd.	Group Activ Health	Group	IRDAI/HLT/ABHI/P-H(G)/V.I/19/2016-17
New India Assurance Co. Ltd.	New India Premier Mediclaim Policy	Individual Policy	IRDAI/HLT/NIA/P-H/V.I/46/2016-17
	New India Flexi floater group Mediclaim policies	Group Mediclaim policies	IRDAI/HLT/NIA/P-H/V.II/340/15-16
	New India Flexi group Mediclaim policies	Group Mediclaim policies	IRDAI/HLT/NIA/P-H/V.II/339/15-16
CIGNA TTK Health Insurance Co. Ltd.	PROHEALTH GROUP INSURANCE POLICY	GROUP	IRDAI/HLT/CTTK/P-H(G)/V.I/39/2016-17
Kotak Mahindra General Insurance Company Ltd.	Kotak Group Health Care	Group	IRDAI/HLT/KMGI/P-H(G)/V.I/58/2016-17

ICICI Lombard General Insurance Co. Ltd.	Group Health (Floater) Insurance-Misc 12	Group	ICIH LGP08002V040708
	Group Health Insurance-Misc 11	Group	ICIH LGP02001V030102
Liberty Videocon General Insurance Co. Ltd.	Liberty Group Health Group	Group	LVGHLGP18006V011718
Future Generali India Insurance Company Ltd.	Group Health Insurance (Revised)	Group	IRDAI/HLT/FGII/P-H(G)/V.I/47/2016-17
Universal Sompo General Insurance Company Ltd.	Group Health Insurance Policy	Group	IRDA/NL-HLT/USGI/P-H/V.I/70/13-14
HDFC ERGO General Insurance Company limited	My: Health Group Medisure Insurance	Group	IRDA/NL-HLT/L&TGI/P-H/V.1/329/13-14

The relevant features of the above mentioned products are annexed herewith as Annexure R-5/1.'

3. Para 7 of the additional affidavit which is also relevant, is reproduced herein below:-

'That IRDAI revisited the Health Insurance Regulations 2013 and notified the revised regulations on 18.7.2016. The revised Regulations i.e. IRDAI (Health Insurance) Regulations 2016 among others included concept of "PILOT Products" which were introduced for encouraging insurers to cover ailments/diseases which were hitherto either excluded or not covered. Further, it is specified in the Regulations, that the underwriting policy shall also

cover the approach and aspects relating to offering health insurance coverage not only to standard lives but also to sub-standard lives. It is further specified that the underwriting policy shall have in place various objective underwriting parameters to differentiate the various classes of risks being accepted in accordance with the respective risk categorization.'

4. In view of the above, the petitioner, while appearing in person, states that the necessary directions have been issued and the policy in that regard has also been framed by the Insurance companies.

5. Accordingly, it was submitted by the petitioner and learned counsel for the respondents that the present writ petition has been rendered infructuous and they prayed that the same may be disposed of as such.

6. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

November 13, 2017
sonia gugnani

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No