

**THE CHANGING SCENARIO OF HEALTHCARE SYSTEM IN INDIA: ITS
CHALLENGES AND POLICIES TO OVERCOME**

Seema A. Patil, Radhika Hastak, Faculty, Law Department, Tilak Maharashtra Vidyapeeth, Pune-37

Abstract

Healthcare is a fundamental aspect of life and the well-being of society. It encompasses a wide range of services aimed at promoting, maintaining, and restoring health, which is greatly impacted by its availability and affordability. It observed that even today, a marked portion of the population cannot afford healthcare services due to a number of reasons, like high medical costs and inadequate medical services.

Present paper examines the current state of the Indian healthcare system, its challenges, and the initiatives being implemented to enhance healthcare delivery. The analysis encompasses the public and private sectors, healthcare access, quality of care, and the impact of digital health technologies. The study highlights the need for a comprehensive approach to address health disparities, improve healthcare infrastructure, and ensure equitable access to quality healthcare services for all citizens. The findings underscore the importance of continuous policy reform and investment in health systems to adapt to the evolving needs of the population it emphasizes that changing laws can make a big difference in making healthcare fairer for everyone, both at National and International.

INTRODUCTION

In India, health care system is not new it has been there from ancient period. In ancient time healthcare work has been based on volunteer effort, that time traditional medical practitioners have contributed to medical need of society. In ancient era main medicine to treat any kind of disease or illness was plants and herbs. Important knowledge regarding medicine-based plants and herbs were transmitted from generation to generation. Then during the British domination and colonial rule altered the situation and the focus was on hospitals run by Christian missionaries.

Before independence India's healthcare system was disorganised due to which large number of infectious diseases spread in country and caused number of health issues. Thus after independence the Indian government placed a strong emphasis on primary healthcare, and it has since made constant attempts to improve the nation's healthcare infrastructure. After independence the Government of India laid stress on Primary Health Care and India has put in sustained efforts to better the health care system across the country. The government initiative was not enough to meet the demands from a growing population be it in primary, secondary or tertiary health care. Alternate sources of finance were critical for the sustainability of the health sector.

India's healthcare system was in disarray before independence, contributing to a high death rate and the spread of infectious diseases. Following its independence, the government's initiative, whether it be for primary, secondary, or tertiary health care, was insufficient to satisfy the demands of an expanding population. The health sector's ability to survive requires the availability of alternative funding sources, certain initiatives, and reforms that will help to improve the health conditions of society.

MEANING OF HEALTH

Health care refers to the services provided by the medical, nursing, and allied health professions to prevent, treat, and manage sickness as well as maintain physical and mental well-being. According to the World Health Organisation, health care holds all the goods and services designed to promote health, including “preventive, curative and palliative interventions, whether directed to individuals or populations”. Health is a vital aspect of every individual and it is a primary human right and also an important fundamental right that is mentioned under Article 21 of the Indian Constitution.

Health is defined as a state of complete physical, mental, and social well-being and just not the non-existence of disease or ailment.

HEALTHCARE LAW

Health law is a set of explicit norms and regulations that govern public health practices and reactions. It is a varied topic that includes legislation and regulations addressing numerous public health challenges, but it lacks a unifying theoretical foundation. Health legislation is frequently criticized for being out of date, fragmented, and overshadowed by other types of regulation; nonetheless, attempts are underway to develop new concepts and changes to overcome these deficiencies.

Healthcare law is an incredibly broad, diverse, and dynamic field of law. It is a multidisciplinary field of law that focuses on the regulations and policies that govern the healthcare industry. It is a field of law that encompasses central includes private and public healthcare systems. Healthcare law tackles the issues related to medical providers, health insurance, medical malpractice, Medicare, etc. Both litigious and non-litigious cases fall under the preview of healthcare law.

Health care law combines administrative and regulatory law, health law, contract and tort law, employment law, and judicial precedent. According to Georgetown Law Centre: "Health care law focuses on the legislative, executive, and judicial rules and regulations that govern the health care industry.

Why Healthcare law is required;

1. To protect the rights and interests of all the parties which are involved in the healthcare system.
2. For ensuring quality and safety of medical care.
3. To tackle/address emerging challenges and trends in the healthcare system. Like fraud and intellectual property rights of pharmaceutical companies.

HISTORY OF HEALTHCARE LAW**I. Ancient and Medieval Periods**

Traditional Medicine: Healthcare in India dates back to ancient times, with practices such as Ayurveda, Siddha, and Unani playing significant roles. Ayurveda, one of the oldest systems of medicine, originated over 3,000 years ago and is based on holistic principles emphasizing balance in bodily systems. Ancient texts like the Charaka Samhita and Sushruta Samhita outline various medical practices, surgical techniques, and herbal remedies.

Unani Medicine: Introduced by the Arabs in the 8th century, Unani medicine is based on the teachings of Hippocrates and Galen, emphasizing the balance of bodily humors. It gained prominence in India during the Mughal era, with the establishment of hospitals and healthcare systems in cities like Delhi and Agra. The spread of Buddhism in the 6th century BCE also contributed to the development of healthcare. Monastic hospitals were established to care for the sick and needy, with a focus on compassion and community health.

Colonial Era - British Colonial Impact: The British colonial period (1858-1947) marked a significant shift in the healthcare landscape. The colonial government focused on controlling diseases and maintaining military health, often neglecting the needs of the local population. Key developments included the establishment of the first medical colleges (e.g., Calcutta Medical College in 1835) and the introduction of Western medicine.

II. Post-Independence Developments

Early Health Policies: After gaining independence in 1947, India recognized healthcare as a fundamental right. The Bhore Committee Report (1946) laid the foundation for a comprehensive healthcare system, advocating for primary healthcare as a means to improve health access for all citizens.

Expansion of Healthcare Services: The establishment of the All India Institute of Medical Sciences (AIIMS) in 1956 was a pivotal moment, providing advanced medical education and healthcare services. The National Health Policy (1983) emphasized primary healthcare, preventive measures, and community participation in health programs.

Health Sector Reforms: The economic liberalization in the 1990s led to a significant increase in private healthcare providers, resulting in a dual healthcare system comprising both public and private

sectors. This shift raised concerns regarding accessibility and affordability of care, especially for low-income populations.

HEALTHCARE CHALLENGES AT THE NATIONAL LEVEL

The history of healthcare in India reflects a continuous evolution influenced by traditional practices, colonial legacies, and modern innovations. Despite significant progress, challenges remain in achieving equitable access to quality healthcare. The ongoing reforms and initiatives aimed at strengthening the healthcare system are crucial for ensuring that all citizens benefit from improved health outcomes.

1. Health Education and Awareness: This is one of the biggest challenges in India and most of the population in India have limited health education and awareness with regard to healthcare which results in poor health ratios among society. Thus, promoting health literacy, spreading awareness about disease prevention, and encouraging healthy lifestyles are crucial for improving overall health outcomes.

2. Access to Healthcare: Another major challenge is providing everyone with universal access to high-quality healthcare services, particularly in remote and rural areas. Limited healthcare infrastructure, inadequate facilities, and a shortage of healthcare professionals make it difficult for many people to receive timely and affordable healthcare.

3. Healthcare Finance: In India, obtaining financing for medical care is a major difficulty. Healthcare costs can be very high, and many people do not have access to reasonable health insurance or the money to pay for their medical needs. This makes access to essential healthcare to be limited and creates financial barriers.

4. Inequitable Distribution of Healthcare services: There is an inequitable distribution of healthcare resources among various geographic areas and socioeconomic groups. As compared to the rural area, urban areas tend to have better healthcare facilities and services. Furthermore, it has been observed that underprivileged groups and marginalized communities frequently experience prejudice and have restricted access to healthcare.

5. Infrastructure and Technology: Outdated technology and insufficient infrastructure within healthcare facilities create barriers to delivering high-quality healthcare services. Shortages of essential equipment, medical supplies, and proper sanitation facilities are prevalent, significantly affecting the standard of the healthcare system.

HEALTHCARE AS AN ISSUE AT THE INTERNATIONAL LEVEL

1. Pandemics: Pandemics are large-scale outbreaks of infectious diseases affecting multiple countries. Infectious diseases are illnesses caused by germs like bacteria, viruses, fungi, or parasites that can spread from person to person. COVID-19, Ebola, the Zika virus, and H1N1 influenza are among the most serious pandemics and infectious diseases. COVID-19, produced by the SARS-CoV-2 virus, has killed millions of people worldwide, caused serious economic disruptions, and put a tremendous burden on healthcare systems.

2. Environmental factors: Environmental variables have a huge impact on worldwide healthcare, with climate change being a major concern. Climate change is one of the most serious risks to both the planet and the health of its inhabitants. Extreme weather events such as storms, floods, and earthquakes are caused by climate change, resulting in increased malnutrition rates, injuries, deaths, and long-term mental health difficulties. Another major component is air pollution, which has been related to respiratory and cardiovascular disorders. Pollutants such as particulate matter and nitrogen dioxide cause asthma, lung cancer, and heart disease, resulting in millions of premature deaths each year.

3. Inadequate access to health systems and shortage of health workers: The healthcare industry is vital for sustaining strong health and social care systems. Skilled professionals like dietitians, therapists, surgeons, and pharmacists are essential to delivering quality healthcare. However, many low- and middle-income countries face a shortage of health workers. The COVID-19 pandemic revealed major weaknesses in healthcare infrastructures worldwide, affecting countries regardless of their economic status. Limited access to healthcare is a significant health risk, impacting over half of

the global population. Each country faces its own challenges in healthcare, but strengthening primary care is crucial for providing comprehensive and effective health solutions.

4. Health Inequality: The healthcare industry is crucial for maintaining good health and social care systems. Well-trained health workers like dietitians, therapists, surgeons, and pharmacists are essential for providing quality healthcare. However, many low- and middle-income countries face a shortage of healthcare workers. The COVID-19 pandemic has highlighted serious gaps in healthcare systems worldwide, regardless of economic differences. Limited access to healthcare services is a major risk to public health, affecting more than half of the global population. Every country faces its own healthcare challenges, and strengthening primary healthcare is key to providing better and more integrated health solutions. Malnutrition, which affects approximately 30% of the global population, particularly children, is fueled by restricted availability to nutritious food and a lack of nutritional understanding.

5. Infectious diseases, malnutrition and food safety: Infectious diseases, malnutrition, and food safety are major global health challenges requiring better healthcare and financial support for public health systems. Malnutrition, which affects approximately 30% of the global population, particularly children, is fueled by restricted availability of nutritious food and a lack of nutritional understanding. Recent events like COVID-19, conflicts, and natural disasters have raised healthy food prices, making access even harder. Food safety remains a serious concern, with one-third of diseases linked to poor diets and unsafe food. Additionally, the rise in high-sugar, high-fat diets and increased use of e-cigarettes and tobacco add to these health risks.

RECENT DEVELOPMENTS IN THE HEALTHCARE SYSTEM IN INDIA

The positive transformation of the Indian healthcare system is a multifaceted and ongoing process that involves many different changes and initiatives. The statistical data shows that the average life expectancy at birth in India has increased by approximately three years in the last ten years. The government has been working to improve the healthcare system through various initiatives to strengthen primary, secondary, and tertiary healthcare services. Some of the key elements of this positive transformation of India's healthcare system are the National Health Mission, Ayushman Bharat, and medical tourism.

i. National Health Mission (NHM): Launched in 2013, the NHM aims to provide accessible, affordable, and quality healthcare to all, especially vulnerable populations. The mission focuses on enhancing healthcare infrastructure, strengthening healthcare delivery, and promoting health awareness.

ii. Ayushman Bharat: Introduced on 23rd September 2018, Ayushman Bharat PM-JAY is the world's largest government-funded health assurance/insurance scheme. PM-JAY is a centrally sponsored scheme. It is entirely funded by Government and the funding is shared between Centre and States as per prevailing guidelines of Ministry of Finance. PM-JAY is an entitlement-based scheme. The households included are based on the deprivation and occupational criteria of Socio-Economic Caste Census 2011 (SECC 2011) for rural and urban areas respectively. Over 10.74 crore poor and vulnerable entitled families (approximately 50 crore beneficiaries) are eligible for these benefits. However, the beneficiary base under the scheme has been expanded by the 33 States/UTs implementing AB PM-JAY. In case of expansion of beneficiary base beyond eligible SECC families, States have to bear the financial burden corresponding to additional families.

iii. Digital Health Initiatives: The shift towards digital healthcare in India is transforming the way healthcare services are delivered, particularly in remote areas. Telemedicine, digital health records, and mobile health apps are all being used to improve healthcare service quality and efficiency.

iv. National Rural Health Mission (NRHM): NRHM seeks to provide quality healthcare to the rural population, especially the vulnerable groups. Under the NRHM, the Empowered Action Group (EAG) States as well as North Eastern States, Jammu & Kashmir and Himachal Pradesh have been given special focus. The thrust of the mission is on establishing a fully functional, community owned, decentralized health delivery system with inter-sectoral convergence at all levels, to ensure

simultaneous action on a wide range of determinants of health such as water, sanitation, education, nutrition, social and gender equality.

v. National Mobile Medical Units: (NMMUs): Support has been provided in 333 out of 672 districts for 1107 Mobile Medical Units (MMUs) under NHM in the country. To increase visibility, awareness and accountability, all Mobile Medical Units (MMUs) have been repositioned as “National Mobile Medical Unit Service” with universal colour and design.

vi. Telemedicine and Digital Health: The COVID-19 pandemic accelerated the adoption of telemedicine and digital health initiatives in India. The government has implemented policies to support the use of telemedicine, facilitating access to healthcare services during the pandemic. Telehealth, the modalities for remote didactic communication and healthcare access with healthcare providers is undergoing a revolution to improve its reach and utility in healthcare. Promoted by the Affordable Care Act of 2008, telehealth is an umbrella term referring to analog and audio-video out-of-office visits as alternatives to in-person healthcare. Telehealth includes Telemedicine and a variety of non-physician services (e.g., telenursing, tel-pharmacy, and linguistic interpretation) and can be discussed synonymously with integrated remote care modalities, such as mobile health and E-health platforms.

RECOMMENDATIONS TO OVERCOME THE CHALLENGES OF HEALTHCARE SYSTEM

i. Strengthening Public Health Infrastructure: Reports from organizations like the Commonwealth Fund emphasize the importance of a coordinated, well-funded public health infrastructure to effectively respond to pandemics and chronic healthcare challenges. Such reforms include increasing federal support for state and local health departments, improving cross-sector partnerships, and enhancing the strategic alignment of public health initiatives across government levels. For further details, see the Commonwealth Fund’s recent publications on public health reform.

ii. Improving Infrastructure and Human Resources: New and upgraded healthcare facilities, as well as increased funding for healthcare services (now 2.1% of GDP), and medical research, are also required. There is also a need to increase the number of healthcare workforce. It entails expanding the number of medical schools and training programs, as well as providing financial incentives to attract healthcare workers to work in underserved areas.

iii. Accessibility of Quality Healthcare: There is a need for time-bound implementation of targeted programs to increase access to healthcare services for people living in poverty, members of lower castes, and especially women, as well as providing education and information about healthcare to these communities.

There is also a need for enforcing regulations, implementing quality control measures, increasing transparency, and conducting audits of health care programs.

iv. Improving Mental Health Services: It includes increasing funding for mental health services, training healthcare workers to better address mental health issues, and reducing the social stigma associated with mental illness.

v. Addressing the Root Causes of Health Inequities: The healthcare system should work in coordination with other sectors, such as education, housing, and sanitation to address the social determinants of health and reduce overall health inequities.

vi. Sustainable Health Governance: This could include implementing better management systems, strengthening healthcare regulatory bodies, and creating independent oversight mechanisms to ensure more effective and efficient healthcare services.

Also, suitable cybersecurity measures should also be taken to secure critical medical infrastructure and data from any cyberattack.

vii. Tax Reductions: Incentivising R&D (Research and Development) by additional tax deductions to further support greater investments in new drug developments and reducing GST (Goods and Services Tax) on life-saving and essential drugs is necessary.

viii. Towards One Health Approach: There is a need to recognize that the health of people is closely connected to the health of animals and our shared environment, and collective health initiatives covering a healthy atmosphere, healthy animals, and healthy humans are the need of the hour.

CONCLUSION:

India's healthcare system is evolving, showcasing both advancements and ongoing challenges like the burden of diseases, rural-urban healthcare disparities, and workforce shortages. Policies such as Ayushman Bharat and the National Health Mission indicate government dedication to universal health coverage but depend heavily on efficient implementation, adequate resources, and strong monitoring. A sustainable future for Indian healthcare will require prioritizing preventive care, increasing public health spending, and investing in digital health innovations. Improving rural healthcare infrastructure, encouraging innovation, and promoting health education are also critical steps. A collaborative approach involving the government, private sector, and civil society will support building a resilient and inclusive healthcare system capable of delivering quality care to all citizens, ultimately fostering a healthier future.

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