



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
 दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
 सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
 भारत सरकार/Government of India
 5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364
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Case No. 13611/1141/2023

In the matter of-

Shri Pramod Gupta ...Complainant

Versus

Chairman,
 Insurance Regulatory & Development Authority of India (IRDAI)
 Sy. No. 115/1, Financial District,
 Nanakramguda, Gachibowli,
 Hyderabad ...Respondent No. 1

Director,
 Acko General Insurance Ltd.
 2nd Floor, #36/5, Hustle Hub One East,
 Sector 2, HSR Layout, Bangalore ...Respondent No. 2

RECORD OF PROCEEDINGS

1. Hearing (II):

1.1 A hearing was conducted on 17.11.2025 in hybrid mode, wherein following parties/representatives were present:

Sl.No.	Name of the parties /Representatives	Parties	Mode
1.	Shri Pramod Gupta	Complainant	Online
2.	Shri G. Rajeshwar, Deputy General Manager, IRDAI	Respondent No.1	Online

2.	Ms. Karishma Desai, Chief Compliance officer, Acko General Insurance Ltd.	Respondent No.2	Online
3.	Ms. Sharayu Jadhav, Group General Counsel, Acko General Insurance Ltd.	Respondent No.2	Online
4.	Shri Rahul Khetan, Appointed Actuary, Acko General Insurance Ltd.	Respondent No.2	Online

2. Proceedings of the hearing:

2.1 At the outset, the Complainant submitted that he had applied to Respondent No. 2 for a family floater health insurance policy covering himself, his wife and his two minor children with disabilities. He stated that all relevant medical and disability-related particulars were disclosed at the proposal stage. According to the Complainant, coverage for the children was initially not offered and was subsequently offered with a substantially higher premium, 20–30% co-payment conditions and separate individual policies instead of the family floater policy sought by him.

2.2 The Complainant alleged that the differential terms offered in respect of his children amounted to discrimination on the ground of disability and were contrary to the principles of equality and non-discrimination under Section 3 of the RPwD Act, 2016. He also referred to the provisions relating to healthcare and insurance under the Act and submitted that, despite approaching Respondent No. 1–IRDAI, his grievance had not been effectively resolved.

2.3 Respondent No. 2 submitted that the insurance coverage had not been denied and that a “Specially Abled Health Cover” had been offered to the Complainant in accordance with its applicable norms and the product approved by Respondent No. 1–IRDAI. It was further submitted that the proposal was awaiting confirmation from the Complainant and that the relevant product details had already been shared with him.

2.4 Respondent No. 1–IRDAI submitted that, under the applicable regulatory framework, an insurance proposal cannot be rejected solely on the ground of

disease, medical condition or disability. It was further submitted that the premium and other terms of a policy are determined on the basis of applicable actuarial and other relevant factors and, therefore, cannot be uniformly prescribed for all cases. Respondent No. 1 also undertook to examine the basis of the pricing and the compliance of the concerned insurer with the applicable regulatory requirements.

3. Observation and Recommendations

3.1 The Court observes that Section 3 of the RPwD Act, 2016 prohibits discrimination on the ground of disability. Any differentiation on the ground of disability must, therefore, be examined to determine whether it is supported by objective and permissible considerations and is proportionate to the purpose sought to be achieved.

3.2 The Court further observes that the RPwD Act recognises the importance of healthcare for persons with disabilities and, under Section 24(3)(j), provides for a comprehensive insurance scheme for persons with disabilities who are not covered under specified insurance schemes. The provisions of the Act are required to be read along with the applicable regulatory framework governing health insurance.

3.3 In the present matter, the issue for consideration is not merely whether insurance coverage was offered, but whether the higher premium, co-payment conditions and separate policy structure offered in respect of the Complainant's children were based on objective and permissible considerations or resulted in differential treatment solely on account of their disabilities.

3.4 The Court also notes that the grievance has remained pending for a considerable period and that the matter raises issues concerning access to health insurance by persons with disabilities. It is, therefore, necessary to obtain clarity regarding the basis on which the terms of coverage were offered to the Complainant.

3.5 Accordingly, Respondent Nos. 1 and 2 are recommended to place on record, within one month, detailed submissions regarding:

- a. the basis for the higher premium and co-payment conditions imposed;
- b. the reasons for offering separate individual policies instead of the family floater policy sought by the Complainant;
- c. the criteria applied for determining the terms of coverage in respect of persons with disabilities;
- d. compliance with Section 3 of the RPwD Act, 2016 and the applicable IRDAI regulatory framework; and

e. the safeguards adopted to ensure that persons with disabilities are not subjected to discriminatory terms solely on the ground of disability.

3.6 Respondent No. 2 is further recommended to furnish to the Complainant, within 10 days from the date of this Order, the complete terms and conditions of the insurance product offered to him, including the basis of premium calculation, co-payment provisions, exclusions and policy structure.

3.7 The Complainant shall thereafter submit, within 10 days, a copy of the insurance proposal form along with a concise statement of his objections/grievances in respect of the terms offered by Respondent No. 2.

(Ipsita Mitra)

Dy. Chief Commissioner

Digitally signed by
Ipsita Mitra
Date: 30-09-2026
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