

# Entities Like UoH Have Not Been Enrolling Their Members Into CGHS for Years

## Pertinent Facts and Relevant Background Information

The Central Government Health Scheme (CGHS) refers to the program created by the Government of India (GoI) for providing healthcare credit and insurance to students, staff, employees, and retirees (as well as to dependents of those persons) working under the commission or payrolls of Central Government's Agencies, Bodies, Entities, and Public Sector Units (PSU). For clarity and emphasis, it should be noted that a healthcare insurance program called CGHS is managed and operated by a GoI Directorate as an insurance company, referred here as "CGHS Ltd", which acts as the ***Surety*** in certain qualified healthcare insurance related claims, for persons affiliated or belonging to the Central Government's Agencies, Bodies, Entities, and PSU.

CGHS Ltd is governed under the office of Directorate General of CGHS, within GOI's Ministry of Health and Family Welfare. CGHS Ltd is not a registered insurance provider regulated by the Insurance Regulatory and Development Authority of India (IRDAI). CGHS Program and CGHS Ltd, are not to be confused with any other GoI scheme or directorate, especially by the readers of this document.

The CGHS Program is prepaid for, by taxes collected from Central Government employees and retirees. Additionally, this particular class and category of Citizens throughout the Republic of India, are the most trustworthy and reliable tax payers, whose monthly salaries and pensions are automatically tax-deducted without fail. That prepaid tax-money accrues interests within the Central Government's Treasury which, pays for programs like CGHS and is also tied to, for example, the value of the Reserve Bank of India's "Savings Bonds." If the CGHS Program as a whole were to crash because of mismanagement arising from corruption or incompetence, it would tear down the long-term yield (currently of 7.75% per Annum) on those Savings Bonds, along with other financial products pegged to that long-term yield in the Indian retail market for securities and debentures. The CGHS Program

is therefore, a "*Systemically Important Financial Institution*" and cannot be simply eliminated from the Indian economy. At best, it can evolve into becoming a blueprint for a functioning corporate Entity belonging to the GoI, with a lean and efficient Program for the improvement of Indian societies.

The most relevant fact in this overall set of issues is that *CGHS Empanelled Hospitals* are those hospitals, diagnostic centers, and health clinics in India that enroll into the CGHS Program as **Creditors**, by signing a Memorandum of Understanding (MoU) ratified by the Directorate of CGHS (i.e. CGHS Ltd), which is also overseen by the Honourable Under Secretary of the GoI, Home Ministry. Each empanelled hospital makes a bank deposit as a collateralized security called a "Performance Bank Guarantee", and provides that monetary guarantee to CGHS Ltd, in consideration for executing the terms and conditions stipulated within the signed Contract titled as, "Government of India's MoU with CGHS Empanelled Hospitals." That MoU is in turn renewed and continued for future transactions every three years or so, by each empanelled hospital that reaffirms the said Contract and Security Deposit held by GoI, through the "*CGHS Continuous Empanelment Scheme*."

The proof and evidence of how the process of *CGHS Empanelled Hospitals* is finalized each year and then renewed via *Continuous Empanelment Scheme*, is given in the attached and included files ("01-CGHS-continuous\_empanelment\_shceme-29\_12\_2014.pdf", "02-CGHS-list\_of\_empanelled\_healthcare\_orgs-hyderabad-as\_on-31\_01\_2024.pdf").

All of the above-mentioned steps are carried out by each member organization of the *CGHS Empanelled Hospitals* throughout India, as a contractual agreement with the GoI, so as to be able to provide credit to **Principal Debtors**. Those Principal Debtors are Citizens and Residents who are postpaid Consumers of healthcare goods and services, and who are also entitled to benefits of the CGHS Program by virtue of their bona fide membership within Central Government Entities.

The above-mentioned documents and other such Office Orders from

GoI, can be obtained from the CGHS Official Website, under the "Circulars Menu." <https://cghs.gov.in/CghsGovIn/faces/ViewPage.xhtml>

## The Obviated Issues

Now, it is possible that CGHS Ltd as a healthcare insurer, and as a Directorate and a PSU within itself belonging to GoI, and also as a Surety defined in *Section 126 of Indian Contracts Act 1872*, was accidentally relinquished and released from its obligations to provide insurance and credit guarantee to members of University of Hyderabad (UoH), at some point in history. This is because the Management and Leadership of UoH took matters pertaining to health insurance into their own hands years ago, and decided not to enroll any members of UoH into the actual and authentic CGHS Program via the zonal or city offices of CGHS Ltd, while running their own unofficial version of CGHS at UoH.

Instead of utilizing the official CGHS Program like other GoI Entities including autonomous ones, the Management and Leadership of UoH attempted to create a separate and individualized Memoranda of Understanding with each *CGHS Empanelled Hospitals* in Telangana (erstwhile Andhra Pradesh). And after a while, though UoH was sending University Circulars to its members about the actual *CGHS Empanelled Hospitals* that are qualified as "Referral Hospitals", it wasn't renewing its so-called individualized MoU with those hospitals. Such a University Circular from UoH is evidenced by the included and attached file for **"UoH Circular Ref. UH/REG/2022 dated 10-02-2022"** (Please see, "03-proof\_of\_mou\_with\_hospitals-hcu\_circular-2022\_02\_10.pdf").

In essence, UoH infringed upon the work and responsibilities delegated to CGHS Ltd by the GoI, and thus caused various harms and damages to members of UoH, and to the interests of GoI. In this instance, *Section 134 and 139 of the Indian Contracts Act 1872* may be applicable, along with other sections of the aforementioned statute that may indemnify CGHS Ltd and IRDAI.

The harmed and injured members of UoH due to such untoward actions of the said university's Management and Leadership include: students, staff, employees, and retirees of UoH, as well as the dependents of those enrolled, hired, contracted, or retired persons from UoH during the current and past several years. The number of impacted individuals because of this mishap is in the tens of thousands of innocent people, estimated over the past five years, at minimum.

However, CGHS Ltd has been continuously providing insurance credit to members of UoH via *CGHS Empanelled Hospitals* during the current and all previous years. Provably, many *CGHS Empanelled Hospitals* in Hyderabad, Telangana, have been providing CGHS rates and tariffs, to members of UoH and also to the dependents of those rightfully qualified members, based on those members showing their UoH Identification Cards (Government Employee ID Cards) to the hospital's billing incharge, and not the "CGHS ID Cards" because those UoH members typically don't have one. Many of the *CGHS Empanelled Hospitals* such as Care Hospitals Pvt Ltd in Hyderabad, have continued to correctly provide CGHS rates to qualified individuals having Central Government Employee ID Cards without CGHS ID Cards, due to the data given to the *CGHS Empanelled Hospital* from CGHS Ltd. That data is readily available in each *CGHS Empanelled Hospital's* financial and point-of-sale databases for GoI Entities such as UoH. This is evidenced by the included and attached medical bills ("04-care\_hospital-medical\_bills-cghs\_hcu-2021\_04\_20.pdf", "05-care\_hospital-medical\_bills-cghs-2022\_11\_02.pdf").

CGHS Ltd has always correctly recognized UoH as an Entity belonging to GoI, and has thus supplied that data to *CGHS Empanelled Hospitals* for the current and previous years. Similarly, CGHS Ltd has always correctly recognized healthcare companies like Care Hospitals Pvt Ltd as a member of the *CGHS Empanelled Hospitals*, and has supplied that data to GoI Entities. As a program and an information clearing house belonging to GoI, CGHS Ltd has had the latest, correct, and authentic data made available to the public, about both sides of the proverbial coin.

However, none of the members of UoH have a "CGHS Number"

recorded within the database of the Medical Reimbursement Claims (MRC) section of the Finance and Accounting Office in UoH. And UoH does not report CGHS based MRC via the zonal or city offices of CGHS Ltd to the GoI. This is because no persons from UoH Administration seem to have ever informed CGHS Ltd that administrators of UoH had stopped enrolling UoH members into the CGHS Program years ago, by acting independently and autonomously to override the mandates of CGHS Ltd and of the IRDAI.

Many of the *CGHS Empanelled Hospitals* have therefore been rightly, correctly, and conscientiously patching or working around, the erroneous and faulty behaviors of entities like UoH when it comes to CGHS, except those like Continental Hospitals Pvt Ltd of Gachibowli, Hyderabad, Telangana.

How a particular set of statutory violations and offenses of Continental Hospitals Pvt Ltd, has degraded the foundations of peaceful civic satisfaction for Consumers needing CGHS Program with fairly priced goods and services from honest healthcare providers, is explained in the attached and included document, "06-statutory\_offenses\_and\_violation-committed\_by-continental\_hospitals.pdf".

## **The Parties at Fault**

Based on the available facts of the the obviated issues, the "Parties at Fault" are:

1. The previous and incumbent leaders and managers of UoH within administrative positions, for having continuously misinterpreted the meaning of the title of "Autonomous Institute" given to UoH by GoI.
  - a. On 11-09-2024, I found out from UoH Registrar, which was also confirmed by the person incarge of MRC Section in the Finance and Accounting Office of UoH that: none of the students, staff, employees and retirees of UoH have been enrolled with CGHS Hyderabad office of the CGHS

Program for years. Though UoH is an autonomous educational institute, it still belongs to and has always belonged to the Central Government of the Republic of India, as a PSU.

- b. It appears that various persons in leadership and managerial positions of UoH, have had a misconception that "Autonomous Institute" means autonomy in all matters, with independence from the Central and State Governments, though the meaning of autonomy for institutes like UoH has only been to the extent of setting certain educational and administrative policies wherein, those policies of UoH shouldn't have ever infringed upon or violated the Basic, Civil, or Consumer Rights of Indian Citizens and Residents.
- c. Responsible administrative staff of UoH may also be liable for Copyrights Infringement for illegitimately using "CGHS" within their Circulars given to UoH members, and also for misrepresenting CGHS within those Circulars and within MRC data collected from UoH Members, while somehow not having any UoH members enrolled in the actual CGHS Program.
- d. UoH may be further liable or culpable for forcing UoH members to provide an "Undertaking" with each submitted MRC stating that those UoH members have not taken any benefits, in part or in whole, from any other private or public insurance company, while applying for CGHS based MRC via UoH. In this manner, UoH has infringed upon and injured the Civil and Consumer Rights of UoH members, by forcibly and habitually thrusting those innocent individuals into jeopardy while also depriving them of appropriate health insurance coverage. Alas, who will actually provide the long-overdue restitution owed to those innocent individuals who have repeatedly suffered damages because of UoH's erroneous policy making practices? (Please see, "07-uoh-finance\_accounting-medical\_section-undertaking.pdf")

2. The Officiated Administrators of CGHS Ltd, for not checking why UoH (and possibly other similar entities belonging to GoI) have not been reporting any MRC data to them for years.
  - a. Whereas the CGHS Program is prepaid for qualified Citizens, by tax-paying Citizens, having those same tax payers also pay cash out-of-pocket to healthcare providers, as postpaid Consumers for rendered healthcare goods and services, causes those Consumers to take on the burden of handling cash-flow risks, by having to "issue Credit" to their Central Government Employer. That Credit given by Consumers to their respective Central Government Employer via the existing CGHS Program, is for the duration of the time period when that Employer has to reimburse the Consumer via MRC. The Government Employers do batch processing of submitted MRC for clearing them through CGHS Ltd, every two months. Depending on circumstances, the duration of that time period for "Settled MRC Records", can be anywhere between 30 days to many months or even years. Greater the delay due to managerial incompetence or systemic errors, greater the amount of Credit, the suffering Citizens have to give to their Central Government Employer for MRC settlement. This is unfair because Credit is only due where the merit of performance makes it appreciable, not where the lack of merit makes it decay and rot. So, all that while when Consumers await for their Central Government Employer and CGHS Ltd to clear the MRC Records, the Consumers suffer the economic losses of interests that could have otherwise been earned on that money paid as out-of-pocket cash to healthcare providers. And, the Consumers as tax paying Citizens also suffer opportunity costs as well as reduction in purchasing power, due to this unfairly burdensome situation wherein, the Citizens rightly qualified for CGHS Program were supposed to be given Credit from the healthcare organizations guaranteed by CGHS Ltd and not the other way around.
  - b. A reasonable solution for this problem would be to have

CGHS Ltd directly interface with the *CGHS Empanelled Hospitals* for all payments given to those healthcare organizations, on behalf of Consumers (Principal Debtors), without the involvement of the Central Government Entity that happens to be a current or previous Employer of those Principal Debtors. The role of the Central Government Employers in the CGHS Program would then be to only ensure that the employees, retirees, and the dependents of those Central Government employees and retirees, are properly enrolled into the CGHS Program with a unique CGHS Number ascribed to an ID Proof, such as their ADHAAR Card Number. Logically, this would be the best and most effective value-added service, that a Central Government Employer could efficiently provide within the value-chain of the CGHS Program.

3. *CGHS Empanelled Hospitals* such as Continental Hospitals Pvt Ltd that have been refusing to provide CGHS tariffs and rates to reasonably or recognizably qualified Consumers.
  - a. Any *CGHS Empanelled Hospitals* as Creditors that have not been providing CGHS rates to reasonably qualified individuals (Principal Debtors or Consumers) based on the Central Government Employee ID Cards presented by those Consumers as proof of their entitlement to CGHS pricing even without a "CGHS ID Card", are still liable as Creditors for providing those CGHS rates to reasonably qualified Consumers. And as such, those *CGHS Empanelled Hospitals* as Creditors may not be relinquished or discharged from their obligations to Consumers entitled to privileges of the CGHS Program, because of the implications of *Section 141 of Indian Contracts Act 1872* constantly weighing upon those contractually obligated Creditors.
  - b. The range of statutory violations and offenses committed by Continental Hospitals Pvt Ltd against individuals from the public at large, stem from Continental Hospitals' willful and deliberate refusal to provide CGHS rates to reasonably



qualified Consumers, even though the said hospital has been continuously enrolled in the CGHS Program, up-to-date since the year 2014. Continental Hospitals Pvt Ltd has enriched itself with unearned incomes by refusing to provide CGHS rates to persons entitled for those rates, while dishonestly advertising itself through its trade practices as being a bona fide Creditor for healthcare goods and services via CGHS Program, to unassuming Consumers from the public at large. The said hospital has continued its campaign of false advertisements about being a proper member of *CGHS Empanelled Hospitals* through the databases of the official CGHS Program from CGHS Ltd, and also through the unofficial CGHS Program from UoH.

4. Any healthcare organization that selectively targets the particular class and category of Central Government employees and retirees, to deprive them of their Civil and Consumer Right to avail CGHS benefits, is indeed committing an act of treason against the Republic of India, by deliberately harming or destabilizing the economic and physical well being of Central Government's essential workers. Those essential workers do happen to contribute to India's National Security and Stability in a myriad of forms and activities.

Ultimately, ordinary members of Entities belonging to GoI (Entities such as UoH or CGHS Ltd), are not responsible for any erroneous mistakes or violations committed by the Officiated Administrators of those Entities. And the Officiated Administrators of private as well as public corporations are indemnified by their employers for various non-criminal deeds and activities. But more importantly, ordinary Citizens and Residents as Consumers, are certainly not responsible for operating private hospitals or for governing healthcare systems in India. As such, all those who have been harmed or who have suffered injuries and damages in any shape or form, due to the obviated issues in this document, are still owed compensations and remedies from the aforementioned Parties at Fault that have created and propagated those types of, systemic issues and problems.

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