

**Bill No. 147 of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

DR. SHRIKANT EKNATH SHINDE, M.P.

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BILL

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and commencement.

(2) It shall come into force with immediate effect.

5 2. In article 312 of the Constitution:—

Amendment of article 312.

(a) in clause (1), for the words “all-India judicial service”, the words “all-India judicial service and an all-India Health Service” shall be substituted;

(b) after clause (3), the following clause shall be inserted, namely:—

10 “(3A) The all-India health service referred to in clause (1) shall not include any post inferior to that of the Chief Medical Officer of a district”.

## STATEMENT OF OBJECTS AND REASONS

By creating this all-India service under the proposed Bill it will enhance the quality of medical services within the nation and accountability of the medical practitioners at the same time but by protecting their interest at the same time. All these steps shall be taken in order to improve the quality of life for both the common citizens of India and the medical practitioners of the country while retaining the best talent and avoiding the so-called brain drain.

India had an 'Indian Medical Service' in British-ruled India, a military medical service, which was abolished when India got independence in 1947. Ever since, multiple committees and commissions have recommended the re-introduction of this service. The All-India Service Act of 1951 mentions 'The Indian Medical and Health Service' as an All-India Service, but never implemented for reasons that are unknown till date.

The 15th Finance Commission has also recommended that an All-India Medical and Health Service be established. Furthermore, the Covid pandemic has led to a renewed demand for the constitution of the Indian Medical & Health Service (IMHS). To explain this point further, note that in India, there are not just allopathic doctors but also doctors of the alternative systems of medicine, commonly known as AYUSH doctors. In fact, there is also a separate Ministry of AYUSH, and even Indian missions abroad have AYUSH facilitation centres. These systems of medicine have entirely different concepts of disease causation and cure. Further, within each of these systems of medicine, there will be graduates in medicine and post-graduates in medicine. The point here is that a common entrance exam to the Indian Medical Service will lead to the selection of a very diverse group whose existing skill sets will have to be fully utilised, and new skill sets added, if the true potential of such a service is to be realised.

The Bill, therefore, seeks to amend the constitution with a view to provide for a constitutional provision for creation of all-India health services.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
5 July, 2022

SHRIKANT EKNATH SHINDE

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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312. (1) Notwithstanding anything in Chapter VI of Part VI or Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all India services (including an all-India judicial service) common to the Union and the States, and, subject to the other provisions of this Chapter, regulate the recruitment, and the conditions of service of persons appointed, to any such service.

All-India services.

(2) The services known at the commencement of this Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article.

(3) The all-India judicial service referred to in clause (1) shall not include any post inferior to that of a district judge as defined in article 236.

(4) The law providing for the creation of the all-India judicial service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

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*(Dr. Shrikant Eknath Shinde, M.P.)*