

Bill No. 23 of 2023

THE CONSTITUTION (AMENDMENT) BILL, 2023

By

DR. SANJEEV KUMAR SINGARI, M.P.

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2023.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 312 of the Constitution, in clause (1), for the words “an all India judicial service” the words “all India Judicial service and all India medical service” shall be substituted.

Amendment of article 312.

STATEMENT OF OBJECTS AND REASONS

In 2016, the WHO Global Strategy on “Human Resources for Health : workforce 2030” determined that all countries need about 4.45 healthcare personnel (minimum of 1 doctor and 3 nurses) per 1,000 population, to reach the UN’s Sustainable Development Goal 3 (Ensure Healthy Lives and Well-being for all at all Ages). Presently there are 13.08 allopathy doctors, 7.8 lakh AYUSH doctors, 34.33 lakh nurses and 13 lakh allied healthcare professionals for 141.133 crore population.

Despite having good number of doctors and nurses, health indicators of India are far below the world averages. In this context, creation of an All India Medical Services along the lines of Indian Administrative Services and Indian Police Services, is essential for effective administration and policy making in healthcare. Administrative staff with medical background can effectively handle health issues and epidemic out breaks, in a scientific way. Government of India’s endeavour to increase medical educational institutions is going on at a rapid phase, and at the same time we need to ensure that healthcare administrators are more effective for equitable distribution of healthcare services.

India had an ‘Indian Medical Service’ in British-ruled India, a military medical service, which was abolished in 1947. Ever since, multiple committees, commissions and reports such as Mudaliar Committee (1959), Kartar Singh Committee (1973), the Administrative Staff College Report (1995) and National Commission on Macroeconomics and Health Report (2005) have recommended the re-introduction of Indian Medical Service. The 15th Finance Commission has also recommended for the establishment of an All India Medical and Health Service. The development of such a service for public health administration was discussed by the parliamentary committee on health, in March 2021. The All India Service Act of 1951 mentions ‘The Indian Medical and Health Service’ as an All India Service. However, it was never implemented.

Currently, there is no dedicated centralised healthcare body, which can develop infrastructure, monitor healthcare services and take policy decisions. This often leads to improper policy response during health emergencies, as was felt during the COVID-19 pandemic. Given the inter-State disparity in the availability of health resources, the existence of many overlapping healthcare schemes and the need for uniformity in implementation of schemes across, it is essential to constitute an All India Medical Services. With a severe shortage of health administrators in the country, the Indian Medical Service will be able to close the long-standing gap between public health information and decision-making.

Presently, the services of bureaucrats without medical background nor the services of Government doctors without administrative skills, are able to understand the nuances and complexities of healthcare system administration. Creating good administrative officers with medical background, can help the nation to resolve the existing healthcare issues and also be ready to tackle any future pandemics.

To achieve these objective, this Bill seeks to incorporate a new All India Services, namely “Indian Medical Services” along the lines of Indian Administrative Services and Indian Police Services.

Hence this Bill.

NEW DELHI;

SANJEEV KUMAR SINGARI

December 19, 2022.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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All India services.

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.

(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. Sanjeev Kumar Singari, M.P.)