

**Bill No. 299 of 2019**

**THE CONSTITUTION (AMENDMENT) BILL, 2019**

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 Seventieth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

**2.** In the Seventh Schedule to the Constitution,—

Amendment  
of the Seventh  
Schedule.

(i) in List II-State List, entry 6, shall be omitted; and

(ii) in List III-Concurrent List, offordable 47, the following entry shall be added,  
namely:—

"47A. Public health, affordable healthcare and sanitation; hospitals and  
dispensaries."

## STATEMENT OF OBJECTS AND REASONS

The healthcare market in India is expected to increase three fold to rupees 8.6 trillion (US\$ 133.44 billion) by 2022 as we record 22-25 per cent growth in medical tourism. The Government's expenditure on the health sector has grown to 1.4 per cent in 2018-19 from 1.2 per cent in 2014. Under the National Health Policy, the Government of India is planning to increase public health spending to 2.5 per cent of the country's GDP by 2025. The hospitals and diagnostic centers attracted Foreign Direct Investment (FDI) worth US\$ 6.09 billion between April 2000 and March 2019, according to data released by the Department of Industrial Policy and Promotion (DIPP).

A High-level Group (HLG) on health sector constituted by the Fifteenth Finance Commission has recommended that the Constitution be amended to shift the subject of health from the State List to the Concurrent List. Recommendations made by the Finance Commission of declaring healthcare a right and shifting health to the Concurrent List are inherently linked and are favorable to the success of revolutionary public health schemes like Ayushman Bharat. These recommendations are also in line with the National Health Policy 2017, which aims at regulation, public sector strengthening, and adopting a rights-based approach to healthcare.

On 2nd September 1949 during the framing of the Constitution, Sir K. V. Kamath had also moved an amendment to transfer Public Health from State to Concurrent List, which was subsequently negated by the Assembly. In the current Scheme of things, the Central Government spends under one-third of the total Government expenditure on health and in order to improve the dismal state of spending on public health, the Centre has to set up, both financially and programmatically which will require an enhanced role of the Centre. The same cannot be done until health is still a State subject.

With the expansion of schemes like Pradhan Mantri Jan Arogya Yojana and increase on healthcare spending it is the need of the hour to accept the recommendations of Finance Commission for shifting health to the Concurrent List to ensure that along with more funds to be efficiently disbursed to the private sector, the Centre has some regulatory teeth as well. Considering that it is the Union that makes important contributions to the health sector, including framing of policy, health should be included in the Concurrent List of the Constitution for ensuring right to healthcare, on the lines of right to education, with major focus on primary and rural healthcare.

The Bill proposes to make an amendment to the seventh Schedule to the Constitution List II-State List and List III-Concurrent List in order to transfer Public Health to the Concurrent List in view of the major role played by Central Government in matters of healthcare in India which is expected to be a booming market and will witness several disruptions on account of innovation and use of technology. Through inclusion in Concurrent List, it will be easier for both Central and the State Governments to administer public health programs more effectively.

Hence this Bill.

NEW DELHI;  
November 6, 2019

SHRIKANT EKNATH SHINDE

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

**Seventh Schedule**

(Article 246)

List III-Concurrent List

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**47.** Fees in respect of any of the matters in this List, but not including fees taken in any court.

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