

Bill No. 37 of 2021

THE COMPULSORY HEALTH INSURANCE FOR SENIOR CITIZENS,
MENTALLY RETARDED CHILDREN AND PERSONS WITH
DISABILITIES BILL, 2021

By

DR. ALOK KUMAR SUMAN, M.P.

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BILL

*to provide for the compulsory health insurance for the senior citizens,
mentally retarded children and persons with disability to be funded by
the Government and for free of cost treatment of insured persons
by all hospitals including private hospitals and clinics and for
matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Compulsory Health Insurance for Senior
Citizens, Mentally Retarded Children and Persons with Disabilities Act, 2021.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.	2. In this Act, unless the context otherwise requires,—	
	(a) “appropriate Government” means in the case of a State the Government of that State and in all other cases, the Central Government;	
	(b) “beneficiary” means a disabled person, senior citizen or mentally retarded child who has been given health insurance under this Act;	5
	(c) “child” means a person irrespective gender who has not attained the age of twenty years;	
	(d) “disabled person” means a person suffering from not less than forty per cent of any physical disability as certified by a competent medical authority and whose monthly income from all sources is not more than twenty thousand rupees;	10
	(e) “mentally retarded child” means a child with a condition of arrest or incomplete development of mind which is specially characterised by subnormality of intelligence;	
	(f) “person with disability” shall have the same meaning as assigned to it in clause (s) of section 2 of the Rights of Persons with Disabilities Act, 2016;	15 49 of 2016
	(g) “prescribed” means prescribed by rules made under this Act;	
	(h) “scheme” means Health Insurance Scheme framed under section 3; and	
	(i) “senior citizen” means a male, female or a transgender who has completed the age of sixty years.	20
Comprehensive Health Insurance Scheme for the senior citizens, mentally retarded children and disabled persons.	3. (1) The Central Government shall, as soon as may be, but within one year of the commencement of this Act, by notification in the Official Gazette, formulate a Comprehensive Health Insurance Scheme for the senior citizens, mentally retarded children and persons with disability.	25
	(2) The appropriate Government shall pay the premium of health insurance payable by the senior citizens, mentally retarded children and persons with disability to the insurer for providing healthcare services to the beneficiaries covered under the provisions of this Act in such manner as may be prescribed.	
Free Health-Care Facilities.	4. (1) Notwithstanding anything contained in any other law for the time being in force, every beneficiary covered under this Act, shall be entitled to healthcare facilities, free of cost from all the hospitals including Government and privately owned hospitals, nursing homes and clinics, as may be specified by the appropriate Government, from time to time;	30
	(2) The free healthcare facilities referred to in sub-section (1) shall include:—	35
	(a) consultation with physician and specialist;	
	(b) out patient and indoor treatment;	
	(c) diagnostic and laboratory services of all kinds;	
	(d) all kinds of surgeries;	
	(e) medicines;	40
	(f) blood transfusing and such other facilities; and	
	(g) such other treatments and medical facilities as may be prescribed.	

- 5 5. (1) Notwithstanding anything contained in any other law for the time being in force, the public sector insurance companies shall enter into agreement with privately owned hospitals to make payments to such hospitals at such rates as may be agreed to by the Public sector insurance companies and the hospitals for providing healthcare facilities free of cost to the beneficiaries covered under this Act. Public sector insurance companies to make payments to hospitals.
- 10 (2) The public sector insurance companies which have entered into an agreement with private hospitals under sub-section (1) may either themselves or through an agency designated in that behalf inspect the hospitals from time to time to ensure that provisions of this Act are effectively complied with and if, it is found that any private hospital does not comply with the provisions of this Act, such hospital shall be blacklisted and shall also be liable to pay such compensation, as may be prescribed.
- 15 **6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide in each financial year requisite funds to the Government of the States and public sector insurance companies for the implementation of the provisions of this Act.** Central Government to provide funds.
- 20 7. The provisions of this Act and rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.
- 20 8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act. Act to supplement other law.
- 25 9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- 30 (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are millions of senior citizens, disabled persons and mentally retarded children in our country who do not have access to adequate and good quality healthcare facilities. Their number is continuously increasing. The general insurance companies do not insure them. Senior citizens after completing the age of sixty five years are not insured for health cover by the private sector insurance companies. Public sector insurance companies have recently started insuring senior citizens irrespective of age but majority of senior citizens are out of the ambit of health insurance whereas at this juncture of their lives they need the health cover the most. Similarly mentally retarded children and disabled persons have to depend on others for many things including the healthcare facilities. The families of disabled persons and mentally retarded children are forced to bear huge costs beyond their means for the healthcare.

Hence, it has become necessary for the Government to take sole responsibility to provide health insurance and healthcare facilities to senior citizens, disabled persons and mentally retarded children.

Hence this Bill.

NEW DELHI;
January 15, 2021

ALOK KUMAR SUMAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of a Comprehensive Health Insurance Scheme for the senior citizens, mentally retarded children and persons with disabilities. Clause 4 provides for free healthcare facilities. Clause 7 makes it obligatory for the Central Government to provide requisite funds for the purposes of this Bill. The Bill, therefore, if, enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two lakh crore will involve as recurring expenditure per annum from the Consolidated Fund of India.

No non recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matter of details only, the delegation of legislative power is of a normal character.

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to provide for the compulsory health insurance for the senior citizens, mentally retarded children and persons with disability to be funded by the Government and for free of cost treatment of insured persons by all hospitals including private hospitals and clinics and for matters connected therewith or incidental thereto

(Dr. Alok Kumar Suman, M.P.)