

**Bill No. 55 of 2022**

**THE CONSTITUTION (AMENDMENT) BILL, 2022**

By

SHRI M.K. RAGHAVAN, 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.

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

**2.** After article 21A of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article  
21B.

10       **“21B. The State shall secure to all its citizens the right to health including mental and environmental health in such manner as the State may by law, determine.”.**

Right to Health.

## STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not expressly recognize right to health as a fundamental right. However, through judicial interpretation, this has been read into the fundamental right to life and personal liberty (under article 21) and is now considered an inseparable part of the right to life. Article 23 of the Constitution also indirectly contributes to protecting the Right to Health as it prohibits human trafficking and child labour.

Various judicial pronouncements have laid stress on Right to Health being an integral part of Constitution. Various High Courts and the Supreme Court has held that Right to life has a very broad scope which includes right to livelihood, better standard of life, hygienic conditions in the workplace and right to leisure. Right to Health is, therefore, an inherent and inescapable part of a dignified life. Article 21 should also be read in tandem with the directive principles of state policy, to truly understand the nature of the obligations of the State in this respect.

Constitutional 'Right to Health' will not only guarantee the health and well-being of our people but will also act as a leap for the economic and developmental progress of the nation. Vision for Ayushman Bharat will be further strengthened with a Constitutional 'Right to Health'.

Immediate financial security that will come with the constitutional 'Right to Health' will be seen as a measurable impact on family savings, greater investment and jobs creation on the one hand, and in the long-term emotional, psychological and social security of people. Thus, right to health can provide simple, transparent and quality healthcare to those who are most in need of such care. Provision of right to health under PART-III will ensure mandatory compliance by State, else writ petitions can be filed under article 32 for its enforcement. This will remove disparities in health indicators across the States and would eventually lead to universal health equality being a reality.

The Bill, therefore seeks to amend the Constitution with a view to confer right to health including mental and environmental health as a fundamental right to every citizen.

NEW DELHI;  
*January 20, 2022.*

M.K. RAGHAVAN

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making the right to health including mental and environmental health as a fundamental right. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees one hundred crore would be incurred per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

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