

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 2ND DECEMBER, 2016

**Bill No. LIX of 2016**

THE CONSTITUTION (AMENDMENT) BILL, 2016

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BILL

*further to amend the Constitution of India.*

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

- 5      1. (i) This Act may be called the Constitution (Amendment) Act, 2016. Short title,  
extent and  
commencement.
- (ii) 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.
- “21B. The State shall provide affordable healthcare and affordable medicine to Right to  
health.  
all citizens in such manner as the State may, by law, determine”.

#### STATEMENT OF OBJECTS AND REASONS

The Constitution of India in article 47 has made a provision for 'raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties'. But we could not achieve this goal and million of citizens are denied access to health care and medicine due to unaffordable hospitals and medical expenses. The public health system is not in a position to provide universal and free health care to its citizens. The growing private sector in the health care segment has become unaffordable even for a citizen having reasonable income. It is the duty of the state to treat health care as occupation or profession and profiteering should not be permitted. In the light of the above, it is a duty of the state to intervene and provide universal affordable health care to its citizens. In order to fulfill this goal, it is felt that an explicit provision should be made in the Part III relating to Fundamental Rights of the Constitution.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

K.K. RAGESH

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making the right of health a fundamental right. It provides that every citizen shall be entitled to get affordable healthcare and medicines as may be prescribed by the appropriate Government by law. Such Bills, if enacted, by Parliament or State Legislatures will involve expenditure recurring and non-recurring from the Consolidated Fund of India as well as Consolidated Fund of the concerned State. However, it is not possible to access the actual financial expenditure likely to be incurred at this stage.

RAJYA SABHA

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*(Shri K.K. Ragesh, M.P.)*