

**Bill No. VII of 2018**

THE CONSTITUTION (AMENDMENT) BILL, 2018

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*Further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2018.

Short title  
and  
commencement.

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

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

Insertion of  
new article  
21B.

"21B. The State shall provide a mechanism for protection of the health of all Indian citizens which includes prevention, treatment and control of diseases as well as access to free of cost or affordable medical treatment, diagnosis and essential medicines in such manner as the State may, by law, determine."

Right to  
Health.

## STATEMENT OF OBJECTS AND REASONS

The Indian Constitution does not recognize Right to Health as a fundamental right although some provisions of the Directive Principles of State Policy are directly or indirectly related to public health. Article 38 imposes liability on the State to secure a social order for the promotion of welfare of the people which cannot be achieved without Right to Health. Article 39(e) is related to protection of Health of workers and article 39(f) provides that children are given opportunities and facilities to develop in a healthy manner. Article 42 provides to protect the health of infant and mother by maternity benefit. Article 47 spells out the duty of the State to raise the level of nutrition and the standard of living of its people and the improvement of public health. The State expenditure on health is only 1.4% of the Gross Domestic Product (GDP) which needs to be increased to at least 10%. India has one of the highest disease burdens in the world and India's poor health outcomes is one of our major developmental challenges.

There is an urgent need for a justiciable mechanism for protection of the health of all Indian citizens which includes prevention, treatment and control of diseases as well as access to free of cost or affordable medical treatment, diagnosis and essential medicines. Making the Right to Health a fundamental right will be a step towards achieving this goal. It is the duty of the State to provide free of cost or affordable healthcare services for all its citizens.

Hence this Bill.

RIPUN BORA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to make free of cost or affordable healthcare and medical treatment a fundamental right. The Bill if enacted will involve expenditure from the Consolidated Fund of India. However, at this stage it will be difficult to make an estimate of such expenditure, both recurring and non-recurring. The exact amount can be worked out only when the provisions of the Bill are implemented.

RAJYA SABHA

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*(Shri Ripun Bora, M.P.)*