

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD DECEMBER, 2021

Bill No. XXV of 2020

THE CONSTITUTION (AMENDMENT) BILL, 2020

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2020.

Short title and commencement.

(2) It shall come into force at once.

5 2. In the Seventh Schedule to the Constitution—

Amendment of the Seventh Schedule.

(i) In List II—State List, for entry 6, the following entry shall be substituted, namely:—

"6. Sanitation; hospitals and dispensaries subject to the provisions of entry 29A of List III.

(ii) In List III—Concurrent List, after entry 29, the following entry shall be inserted, namely:—

"29A. Public health"

STATEMENT OF OBJECTS AND REASONS

While the subject of healthcare, in general, is under the legislative competence of a State, the Parliament is empowered to legislate in respect of prevention of extension of infectious or contagious diseases from one state to another. The recent pandemic has amplified certain disconcerting gaps in our current Indian healthcare system. This necessitates more concerted efforts between Centre and States to ensure a finer healthcare system, in terms of accessibility, affordability, availability and quality.

The importance of the right to healthcare cannot be overstated. Right to Health has been held to be a fundamental right, under Article 21 of the Constitution, in a catena of decisions, by the Supreme Court of India and various High Courts. Additionally, certain similar notions have also been enshrined under articles 39(e), 41 and 43 of the Constitution, as a directive principle of state policy. Furthermore, Right to Health, as an inherent human right, has been affirmed by many international covenants including the Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights. These divergent sources of the same right highlight the utmost duty of the government to necessarily secure a proper healthcare for its entire people.

However, the past experiences have shown a rising inequality, at a sub-national level, in respect to the standard of healthcare. The underlying reason for it arises out of the varying socio-economic factors prevalent across different states. This reflects a dire need of bringing the healthcare system of different states at an equal footing, as far as possible. This issue can only be remedied when a constitutional mandate is secured, for both Centre and state(s) together, to tackle healthcare related issues with a coordinated approach. This approach will also not burden the financial resources of the Centre in any new manner as this Bill only seeks to enable a better coordination framework for all stakeholders to work in.

Hence the Bill.

DR. VIKAS MAHATME

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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List II—State List

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6. Public health and sanitation; hospitals and dispensaries.

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(Dr. Vikas Mahatme, M.P.)