

AS INTRODUCED IN THE RAJYA SABHA
ON THE 10TH MARCH, 2017

Bill No. XXXIV of 2016

THE COMPULSORY HEALTH INSURANCE FOR SENIOR CITIZENS,
MENTALLY RETARDED CHILDREN AND
DISABLED PERSONS BILL, 2016

A

BILL

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

BE it enacted by Parliament in the Sixty-seventh 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 Disabled Persons Act, 2016.

Short title,
extent and
commencement.

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

(3) It shall come into force with immediate effect.

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 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;

(c) "child" means a human being irrespective gender who is below the age of twenty years;

(d) "disabled person" means a person suffering from not less than forty percent 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;

(e) "Disability" shall have the same meaning as assigned to it in clause (i) of section 2 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995;

(f) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterised by subnormality of intelligence;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheme" means Health Insurance Scheme framed under section 3;

(i) "senior Citizen" means a person male, female or transgender who has completed the age of sixty years.

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 disabled persons.**

(2) **The appropriate Government shall pay the premium of health insurance payable by the senior citizens, mentally retarded children and disabled persons 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 clinics, etc. as may be specified by the appropriate Government from time to time;

(2) The free healthcare facilities referred to in sub-section (1) shall include:—

(a) consultation with physicians and specialists;

(b) out patient and indor treatment;

(c) diagnostic and laboratory services of all kinds;

(d) all kinds of surgeries;

(e) medicines;

(f) blood transfusing and such other facilities; and

(g) such other treatments and provisions as may be prescribed;

(3) No beneficiary covered under this Act shall be charged any amount for availing any healthcare facility mentioned in sub-section (2) by any hospital specified under sub-section (1) by the appropriate Government.

- 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 provide health care services to the beneficiaries covered under this Act and shall make payments to such hospitals as such rates/as may be agreed upon 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 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.
- 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.
- 9.** The Central Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act. Power to make rules.

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.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 (2) Provides that appropriate Grants shall pay the premium of the health insurance.

Clause 4 of the Bill 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 if, enacted will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the amount at this juncture but it is estimated that a sum of rupees two lakh crore may involve as recurring expenditure per annum. 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. The rules will relate to matter of details only. The delegation of legislative power is of a normal character.

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(Shri Rajkumar Dhoot, M.P.)