

ITEM NO.9

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 648/2020

VETERANS FORUM FOR TRANSPARENCY IN PUBLIC LIFE
THROUGH ITS GENERAL SECRETARY

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 60249/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 03-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Kaushal Kumar Sharma, Adv.
Mr. Akshit Saxena, Adv.
Ms. Srivadivu. T., Adv.
Mr. Danish Zubair Khan, AOR

For Respondent(s) Mr. Shailesh Madiyal, Adv.
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Nakul Chegappa K.K., Adv.
Ms. Akriti A Manubarwale, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application for exemption from filing
affidavit is allowed.

The only direction prayed for in the present petition is for the respondent to determine the rate of fee chargeable from the patients in terms of Rule 9 of the Clinical Establishment (Central Government) Rules, 2012. The said Rule reads as under:

"9. Other conditions for registration and continuation of clinical Establishments.- for registration and continuation, every clinical establishment shall fulfill the following conditions, namely:-

(i) every clinical Establishment shall display the rates charged for each type of service provided and facilities available, for the benefit of the patients at a conspicuous place in the local as well as in english language;

(ii) the clinical establishments shall charge the rates for each type of procedures and services within the range of rates determined and issued by the Central Government from time to time, in consultation with the State Governments.

(iii) the clinical establishments shall ensure compliance of the Standard Treatment Guidelines as may be determined and issued by the Central Government or the State Government as the case may be, from time to time;

(iv) the clinical establishments shall maintain and provide Electronic Medical Records or Electronic Health Records of every patient as may be determined and issued by the Central Government or the State Government as the case may be, from time to time;

(v) every clinical establishment shall maintain information and statistics in accordance with all other applicable laws for the time being in force and the rules made thereunder."

It appears that the role to be performed by the Central Government was to fix the range of rates to be applicable and they had to be issued by the Central Government from time to time with consultation of the State Governments.

The second aspect is the display of the

rates as contained in sub-Rule (i) .

No doubt as the learned counsel for the Central Government contends that the implementation has to take place by the States but then the Central Government has the responsibility to fix the rates.

The Central Government to file an affidavit as to whether the needful has been done or not insofar as the role of the Central Government is concerned. The affidavit to be filed within four weeks. Thereafter it will be taken on record, subject to deposit of costs of Rs. 20,000/- in this Court.

List on 12.12.2022.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)