

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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## **Sh. Ritesh Kumar Pandey**

S/o Sh. BhagwanPandey,  
#12 D, ShivalikVihar,  
NayaGaon, Tehsil Kharar,  
Distt SAS Nagar  
M: 8837527854

### **RTI Application No. 190030**

...Appellant

V/s

## **Public Information Officer,**

**O/o** Director,  
Health Family Welfare, PB,  
ParivarkalyanBhawan,  
Sector-34A, Chandigarh

## **First Appellate Authority,**

**O/o** Director,  
Health Family Welfare, PB,  
ParivarkalyanBhawan,  
Sector-34A, Chandigarh

....Respondents

### **Appeal Case No. 4598 of 2025**

**Present:** Dr. Ritesh Kumar Pandey, the appellant.  
Sh. Jitesh Singh, Senior Assistant, O/o DHS, Punjab )9815604147) and Dr.  
Gagandeep Singh Grover (7657966014) on behalf of the respondent.

## **ORDER**

The above mentioned case was earlier heard on 24.02.2026 by Ld. SIC Dr. Bhupinder Singh Batth. Thereafter, this case was allocated to this bench. Accordingly, a notice of hearing was issued to the parties for today i.e. 30.04.2026.

2. The appellant has sought information related to hospitals having beds less than 100 or more than 100 beds currently functional in the Mullanpur area of the District Mohali under the Punjab Clinical Establishments Act (Registration and Regulation) Act 2020 (Punjab Act No. 17 of 2020). However, the respondent taking a prompt action on the RTI application of the appellant dated 02.06.2025 and reply to the appellant on 10.06.2025 that the Punjab Clinical Establishments Act has been notified vide Gazette notification issued on 22.10.2020 and the Rules there under are yet to be finalized. However, the appellant's primary concern was that the HomiBhabha Cancer Hospital & Research Centre, operated by Tata Memorial Centre at Plot No. 1, Medicity, Mullanpur is functional in the area of Mullanpur and also the said hospital covers many other acts like:

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- **Clinical Establishments (Central Government) Act, 2010**
- **PNDT Act**
- **Atomic Energy Regulatory Board (AERD) license for radiotherapy**
- **Biomedical Waste Management Rules**
- **NMC or MCI norms for institutions practicing allopathy**
- **Trust/NABH/NABL/ State-Specific licensing (if applicable)**

Also, the appellant in support of his claim relied upon the Judgement passed by the Central Information Commission:

- **CIC/DS/A/203/001094-SA- Dr. D.K. Taneja v. PIO, MCD:**  
*It is not open to a PIO to confine disclosure only to one part of the query when the application is comprehensive in its scope and covers overlapping laws. Providing partial information is legally impermissible.*
- **CIC/SM/A/2011/001460- Rakesh Kumar Gupta v. D/o Health:**  
*Even provisional or draft registers must be disclosed. Absence of final rules or formats does not justify withholding of available records.*

He further submits that the existence of **HomiBhabha Cancer Hospital & Research Centre**, operated by **Tata Memorial Centre** at **Plot no. 1, Medicity, Mullanpur**, is well- documented and publically known.

The appellant further submits that the information sought is in the larger public interest as the said hospital involved in radiotherapy, chemotherapy, diagnostics, and clinical allopathic treatment without registration posed a **serious public health risk and also relied upon the judgement passed, the details of which are as follows:**

- **CIC/ SG/A/2011/002482:**  
*Where public health or patient safety is involved, the standard of disclosure is higher. Failure to disclose is not merely an RTI lapse, but a breach of public duty.*
- **Raj Narain v. State of UP (1975 AIR 865):**  
*Citizens have the right to know how public institutions are functioning when public health and safety are involved.*

3. After hearing the contentions made by the appellant, the respondent clarified that the Rules under Punjab Clinical Establishments Act are necessary as without the Rules it is not

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feasible to implement the said Act in a letter and spirit. On asking the present status of the Rules, the respondent just mentioned that the said Rules are yet to be finalized.

4. The Government of Punjab has passed the said Act which is a great importance of all the human beings as the mandate of the said act is the registration and regulation of health care facilities to ensure improved quality of care, standardized services, transparency in costs and better patient safety. It also benefits patients by providing accountability, reducing quackery through mandatory registration and setting minimum standards for infrastructure and especially the staff. Under the said act **Clinical Establishment means-**

- i. A hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an institution, by whatever name called, that offers service and facilities providing diagnosis, treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine established and administered or maintained by any person or body of persons, whether incorporated or not; or
- ii. A place established as an independent entity or part of a clinical establishment referred to in sub- clause (i), in connection with the diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, chemical, biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipment, are usually carried on , established and administered or maintained by any person or body of persons, whether incorporated or not, and shall include a clinical establishment owned controlled or managed by-
  - a) the Government or department of the Government;
  - b) a trust, whether public or private;
  - c) A corporation (including a society) registered under a Central, Provincial or State Act, whether or not owned by the Government;
  - d) a local authority; and
  - e) A single doctor,

but does not include the clinical establishments owned, controlled or managed by the Armed forces.

Under the said Act, the Clinical Establishments shall have to maintain the minimum standards in such manners as has to be prescribed by the body constituted under the said act.

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5. Also, the mandate of the RTI Act is transparency and accountability in the functioning of the public authority and Section 25 (5) provides:

*If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority on relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.*

6. Therefore, the respondent PIO is directed to file a reply by way of an Affidavit, duly sworn, mentioning therein.

- i. Day to day progress/ status of the said Rules along with the documentary evidence till date so that the delay in framing the Rules be justified.
- ii. Also the respondent PIO, O/o Director, Health & Family Welfare is directed to submit the details whether any concession(s) has been given to the HomiBhabha Cancer Hospital & Research Centre by way of budget grant etc.

Since the information sought is in the large public interest, HomiBhabha Cancer Hospital & Research Centre is impleaded as a necessary party in this case to file the reply whether the said institution is using what system of medicine i.e. allopathy, ayurveda etc. He is further directed to make the detailed submissions whether the said institution has ever been taken the concessional/ free benefits from any Department of the Government of Punjab. If so, the details be submitted along with the documentary evidence to ascertain whether the said institution is a public authority under Section 2 (h) of the RTI act which is as follows:

*“public authority” means any authority or body or institution of self-government established or constituted-*

- a) *By or under the Constitution;*
- b) *By any other law made by the Parliament;*
- c) *By any other law made by the State Legislature;*
- d) *By notification issued or order made by the appropriate Government, and includes any-*
  - i. *Body owned, controlled or substantially financed;*

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ii. *Non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.*

iii. Under the **Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994** regulated the use of diagnostic techniques to prevent sex-selective abortion and curb female foeticide. It prohibits sex selection before or after conception and bans prenatal sex. Accordingly, the Director, Health and Family Welfare is directed to transfer this point to the concerned Department/Wing to explain that whether the said institution is established/regulated under the said Act, if so, the concerned officer be directed to submit the sanction in case accorded under the PCPNDT Act along with the said Acts/Rules under which the said sanction has been given/issued. Also, the primary duties and responsibility of the concerned organization to whom such sanction has been given be also submitted.

7. It is also appropriate to mention that such hospitals have to register/ got sanctioned under the Biomedical Wastage Management Rules. As such, a copy of this order is being sent to the Member Secretary, Punjab Pollution Control Board, who is impleaded as a necessary party in this case, and is hereby directed to clarify whether HomiBhabha Cancer Hospitals & Research Centre is sanctioned under the Biomedical Wastage Management Rules, if so, then a copy of the sanction along with the Act and Rules be submitted on or before the next date of hearing. Also, the primary duties and responsibility of the concerned organization to whom such sanction has been given be also submitted.

8. Also, Tehsildar, Kharar is impleaded as necessary party in this case to submit the present land rates and in case any stamp duty concession has been given to the said hospital i.e. HomiBhabha Cancer Hospitals & Research Centre, then the same details be submitted on or before the next date of hearing. He is further directed to clarify whether any land was given to the said hospital at any concessional rates and/or free of cost, if so, then the details be submitted else clarify.

9. It is also appropriate to mention that the appellant does not know whether HomiBhabha Cancer Hospital has been permitted to use Allopathy, Ayurvedic etc., as such, the information sought is in the larger public interest. Therefore, the Director, HomiBhabha Cancer Hospitals

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&Research Centre is impleaded as necessary party in this case to file the written submissions, if any, and he is also directed to remain present on the next date of hearing for deliberations.

10. Also, the PIO o/o **Punjab Health System Corporation** is impleaded as necessary party in this case to file the written reply whether any land was provided to the HomiBhabha Cancer Hospital & Research Centre free of cost and/or concessional rates, if so, then the details thereof be submitted along with the documentary evidence. The said institution is also directed to submit the complete details of land provided to any party free of cost in the State of Punjab. As such, a copy of this order is being sent to the Managing Director, Punjab Health System Corporation to ensure the presence of the concerned on the next date of hearing along with the written submissions as has been directed.

11. Since, the mandate of the RTI Act, 2005 is transparency and accountability in the functioning of every public authority, therefore, a copy of this order is being sent to the Chief Secretary, Punjab and Principal Secretary, Health and Family Welfare to look into the matter that is in the larger public interest as all the provisions of the Clinic Establishments Act passed by the Government of Punjab in 2020 has to be implemented in a time bound manner for which the Rules are yet to be finalized. As such, an appropriate action be taken as per the procedure established by law.

12. To come up on **20.05.2026 at 11:30 A. M. at Chandigarh.**

**(Pooja Gupta)**  
State Information Commissioner,  
Punjab

**(Inderpal Singh)**  
Chief Information Commissioner,  
Punjab.

**Dated: 30.04.2026**

**CC:**

**Sh. K.A. P Sinha, IAS**  
Chief Secretary, Punjab  
Punjab Civil Secretariat-1,  
Chandigarh.

**Sh. Kumar Rahul, IAS**  
Principal Secretary to Govt. of Pb.  
Health & Family Welfare,  
Punjab Civil Secretariat-2, Sector 9  
Chandigarh

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### **Managing Director, (By name)**

Punjab Health System Corporation  
Phase 6, Mohali

### **Member Secretary (By Name)**

Punjab Pollution Control Board  
Patiala.

**Tehsildar (By name),  
Kharar, Mohali**

**The Director,  
HomiBhabha Cancer Hospital & Research Centre,  
Plot no. 1, Medicity,  
Mullanpur, Mohali**

**PS/SIC, Ms. Pooja Gupta for kind information**