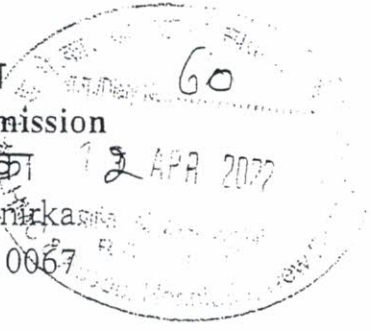


केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi - 110067



द्वितीय अपील संख्या/Second Appeal No.: CIC/LSHND/A/2020/690049

Chandra Mohan Kumar

.....अपीलकर्ता/Appellant

VERSUS/बनाम

Public Information Officer Under RTI,  
Administrative Officer & CPIO,  
Lady Hardinge Medical College &  
Smt. Sucheta Kripalani Hospital,  
C-604, Shaheed Bhagat Singh Road,  
New Delhi-110001.

...प्रतिवादीगण/Respondents

Relevant facts emerging from appeal:

RTI application filed on	:	15.08.2020
CPIO replied on	:	Not on record
First appeal filed on	:	20.10.2020
First Appellate Authority order	:	22.10.2020
Second Appeal received at CIC	:	22.10.2020
Date of Hearing	:	04.04.2022
Date of Decision	:	04.04.2022

सूचना आयुक्त : श्री हीरालाल सामरिया  
Information Commissioner: Shri Heeralal Samariya



### Information sought:

The Appellant sought information:

1. Whether the then LHMC Flat number- 2, Small Regular Flats, LHMC Campus, New Delhi 110001 was allotted/occupied in year 2012-2013?

2. Who was the allottee/occupant of this flat in January 2013? Name and designation of faculty/doctor

- Dissatisfied with no response received from PIO, Appellant filed First Appeal, vide letter dated 20.10.2020.
- The FAA vide order dated 22.10.2020, held as under:

STATUS	APPEAL DISPOSED BY
Date of action	22/10/2020
Reply to F.No. 812/R11/2020-21/7459 dated 22/10/2020	
With reference to your online First Appeal registration No. LSIIND/A/L/20/00020 dated 20/09/2020, the requisite information is as under:-	
1. Desired information is not available with this office.	
2. Not available.	
Note: Reply submitted on behalf of Dr. Arvind Kumar, Estate Officer, Estate Cell, LHMC.	

- Written submissions have been received from PIO, LHC, DGHS, vide letter dated 29.03.2022, as under:

Sir,

With reference to CIC letter No. CIC/LSHND/A/2020/690049 dated 10-03-2022 received in this office on 21/03/2022 on the captioned subject.

2. It is submitted that an RTI application No. LSHND/R/E/20/00067 dated 15-08-2020 filed by Shri Chandra Mohan Kumar through online mode seeking the following information under the RTI Act, 2005:-

- i. Whether the then LHMC Flat number-2, small Regular Flats, LHMC Campus, New Delhi 110001 was allotted/occupied in year 2012-2013?
- ii. Who was the allottee occupant of this flat in January 2013? Name and designation of faculty/Doctor.

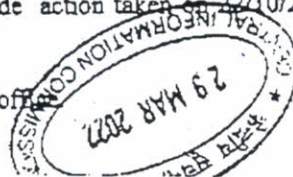
3. Due to spreading of Corona Virus-19, the officers and staff of this institution was badly affected with covid. As per guidelines issued by Government of India we were operating our institution with half of its capacity it is unfortunate to mention here that a number of staff from available staff (i.e. 50% of total strength) was found positive for covid -19. As we are an institution for providing Health care facilities, our full focus was on patient care. Entire strength of staff was deputed in patient care services. Administrative part work of our institution was badly effected from the multiple waves of covid-19 although we have done our best to fought with covid and maintaining our daily routine work.

4. Due to these circumstances some of our work was delayed that time but, it is remarkable that the reply of aforesaid RTI was submitted by the then Estate Officer Dr. Arvind Kumar vide letter No. F.No. 812/RTI/2020-21/3459 dated 21.10.2020 (copy enclosed) as per information available with this office. Accordingly, the RTI request of Shri Chandra Mohan Kumar was disposed off.

As he was not satisfied with the reply/information provided to him vide letter no. F.No. 812/RTI/2020-21/3459 dated 21.10.2020, an Appeal was received from Shri Chandra Mohan Kumar vide Registration No. LSHND/A/E/20/00020 dated 20.10.2020. The FAA vide action taken on 22/10/2020, disposed off the appeal as per following:

Point No. 1: Desired information is not available with this office.

Point No. 2: Not available.



.....2,

Here, it is informed that the appellant has sought information w.r.t LHMC Flat No-2, Small Regular flat in LHMC Campus. However, no such 'small regular flat' exists in LHMC campus as per available records. Therefore, the CPIO and FAA have provided relevant information as held under their custody, 'Small Regular Flat' is a hypothetical name which does not exist in LHMC Campus. Thus, the application of the appellant was dealt within the provision of RTI Act, 2005.

Thanking You.

### Grounds for Second Appeal:

The PIO has not provided information to the Appellant.

### Relevant Facts emerging during Hearing:

The following were present: -

Appellant: Not Present.

Respondent: Ms. Lalita, PIO, present.



PIO submitted that relevant information has been furnished to Appellant by the concerned PIO, vide letter dated 22.10.2020. She further submitted that she would abide by the orders of Commission, if any.


Written submissions have been received from PIO, vide letter dated 29.03.2022, for perusal before the Commission and duly taken on record submitting that no such flat, with regards to which information is sought by the Appellant, exists as per their record.

Upon Commission's instance, PIO affirmed that a copy of reply dated 29.03.2022, has been furnished to the Appellant.

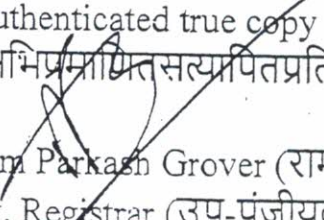
**Decision:**

Commission, after perusal of case records and submissions made during hearing, observes that the reply furnished by the concerned PIO, vide letter dated 29.03.2022, contains all the relevant information, as sought by the Appellant, and the same is deemed as appropriate by the Commission. Moreover, Appellant has not availed the opportunity to plead his case/contest PIO's submission. Therefore, no further action lies

**The appeal is disposed of accordingly.**

  
**Heeralal Samariya (हीरालाल सामरिया)**  
Information Commissioner (सूचना आयुक्त)

Authenticated true copy  
(अभिप्रेत सत्यपितप्रति)

  
Ram Parkash Grover (रामप्रकाशगोवर)  
Dy. Registrar (उप-पंजीयक)  
011-26180514

**Chandra Mohan Kumar,**  
House No.-D-1104, Aditya Celebrity Homes,  
Sector-76, NOIDA-201301  
Gautam Buddh Nagar  
(Uttar Pradesh).



केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi - 110067

118

द्वितीय अपील संख्या / Second Appeal No. **CIC/MH&FW/A/2019/153176**

Shri Tejpal Singh

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO  
Ministry of Health and Family Welfare  
PIO  
Lady Harding Medical College and  
Sucheta Kriplani Hospital

...प्रतिवादीगण / Respondent

Date of Hearing : 03.08.2021  
Date of Decision : 04.08.2021  
Chief Information Commissioner : **Shri Y. K. Sinha**

**Relevant facts emerging from appeal:**

RTI application filed on : 01.08.2019  
PIO replied on : 13.08.2019  
First Appeal filed on : 04.09.2019  
First Appellate Order on : 30.09.2019  
2<sup>nd</sup> Appeal/complaint received on : 05.11.2019

**Information sought and background of the case:**

**CIC/MH&FW/A/2019/153176**

The Appellant filed an RTI application dated 01.08.2019 seeking following information:-

- Number of medical colleges and hospitals run by Ministry of Health and Family Welfare as on 01.01.1952.
- Number of medical colleges and hospitals run by Ministry of Health and Family Welfare as on 01.01.2014.
- Details of number of medical colleges and hospitals approved for construction from 01.04.2014 to 31.03.2019 indicating the date of approval, date of issue of tender, amount approved etc.

अग्रिम  
18/8/2021



Record file  
Sh. Rajkumar / snt shakuntla



The CPIO vide letter dated 13.08.2019 intimated the Appellant that his RTI application has been forwarded to various CPIOs of Ministry of Health and Family Welfare. PMSSY-IV and PMSSY-III sections vide letters dated nil and 23.09.2019 respectively provided the available information to the Appellant. with the  
according

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 04.09.2019. The FAA and Director, M/o Health and Family Welfare vide order dated 30.09.2019 stated that the reply to the RTI application has been sent to the Appellant vide CPIO letter dated 16.08.2019. Further, the RTI appeal along with a copy of the RTI application was transferred to the Coordination Section of Ministry of Health and Family Welfare to provide requisite information to the Appellant. The Coordination Section vide note dated 09.10.2019 returned the RTI appeal to FAA & Director (ME-1) with the request to review the order dated 30.09.2019.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

#### **Facts emerging in Course of Hearing:**

A written submission has been received from CPIO and US, PMSSY-IV Section vide letter dated 26.07.2021 wherein it was stated that the RTI application was replied vide letter dated 23.09.2021.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearing through audio conference was scheduled after giving prior notice to both the parties.

The Appellant participated in the hearing through audio conference. He stated that the application was transferred from one department to another but no satisfactory information was provided.

The Respondent represented by Shri Ganesh Kumar, US, Hospital-I Division, M/o Health and Family Welfare, Shri Shambhu Kumar, US, PMSSY-IV Division, M/o Health and Family Welfare and Smt Sunita Daundiyal, US, INI-I Section, M/o Health and Family Welfare participated in the hearing through audio conference. All the representatives of Respondent stated that they were not the nodal authority to provide a consolidated response to the Appellant. Smt. Daundiyal stated that Shri. Vaidyanath Prasad, US, RTI Cell is the concerned nodal officer.

#### **Decision:**

Having heard both the parties and on perusal of the available records, the Commission directs Shri. Vaidyanath Prasad, US, RTI Cell to obtain the information from the concerned sections of M/o Health and Family Welfare and provide a consolidated response to the Appellant by 15.09.2021 under intimation to the Commission.

his  
Family  
2019

With the above direction, the instant Second Appeal stands disposed off accordingly.

Sd/-

**Y. K. Sinha** (वाई. के. सिन्हा)  
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535

Copy to:

The PIO  
Under Secretary,  
Ministry of Health and Family Welfare  
(INI-I) Section, Nirman Bhawan,  
New Delhi - 110011

The PIO  
Under Secretary,  
Ministry of Health and Family Welfare  
Nirman Bhawan,  
New Delhi - 110011

The PIO  
M/o Health and Family Welfare,  
PMSSY-IV Division,  
IRCS Building, New Delhi - 110001

The PIO  
Lady Harding Medical College  
and Sucheta kripalni Hospital,  
Surgical Department,  
New Delhi - 110001

Shri Tejpal Singh  
65, Nasirpur Village,  
PO Palam Gaon,  
New Delhi - 110045



## केन्द्रीय सूचना आयोग

कमरा संख्या-415, चतुर्थ तल,  
बाबा गंग नाथ मार्ग, नई दिल्ली-110 067  
दूरभाष:- 011-2618514

संचिका संख्या CIC/LSHND/A/2017/184575

सुनवाई की तिथि

: 09.04.2018

नेर्णय की तिथि

: 09.04.2018

मादी

: श्री धनसिंह  
फरीदाबाद, हरियाणा।

प्रतिवादी

: लेडी हार्डिंग चिकित्सा महाविद्यालय एवं  
एस. के. अस्पताल, नई दिल्ली।

सूचना आयुक्त

: श्री यशोवर्द्धन आजाद

द्वितीय अपील से प्राकट्य सुसंगत तथ्य:

मांगी गई सूचना एवं प्रतिवादी पक्ष द्वारा उसका निस्तारण :  
प्रार्थी ने दिनांक 19.08.2016 के अपने एक आवेदन के माध्यम से प्राधिकरण के एक लॉण्ड्री  
सुपरवाइजर के कथित भ्रष्टाचार की शिकायत करते हुए दाखिल दिनांक 30.10.2015 के संदर्भ में की  
गयी अंतिम कार्रवाई तथा अन्य संबंधित सूचना/दस्तावेजों की मांग की थी।

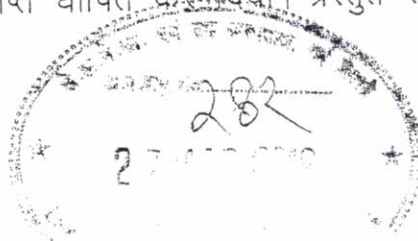
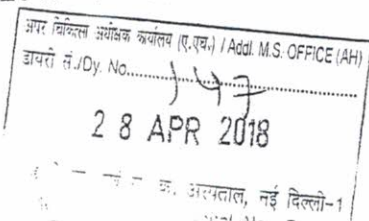
संचिका में उपलब्ध तथ्यों के अनुसार, जन सूचना अधिकारी, ने प्रार्थी को जांच रिपोर्ट की संबंधित  
नोटशीट की प्रति प्रदान करते हुए यह सूचित किया कि प्रश्नगत मामले को बंद कर दिया गया है।  
प्राप्त जवाब से असंतुष्ट होकर प्रार्थी ने प्रथम अपील संस्थित की। लेकिन प्रथम अपीलीय अधिकारी  
की तरफ से प्रार्थी को कोई आदेश प्राप्त नहीं हुआ।

सुनवाई के दौरान प्राकट्य सुसंगत तथ्य:

सुनवाई के दौरान प्रतिवादी पक्ष से श्रीमती सुमित्रा, प्रशासनिक अधिकारी तथा उनकी सहयोगी  
आयोग में उपस्थित हुई। प्रार्थी भी सुनाई के दौरान उपस्थित हुए और अपना पक्ष प्रस्तुत किया।

सुनवाई के दौरान प्रार्थी ने बताया कि प्रश्नगत व्यक्ति महाविद्यालय में लॉण्ड्री सुपरवाइजर की  
नौकरी प्राप्त करने से पूर्व ऑटो रिक्शा चलाता था। लेकिन नौकरी प्राप्त करने के बाद वह बहुत  
सारी संपत्तियों का मालिक बन गया है। उसके द्वारा किए गए विभिन्न भ्रष्टाचारों का साक्ष्य संलग्न  
करते हुए प्रार्थी ने उसके विरुद्ध शिकायत दाखिल की थी। लेकिन महाविद्यालय प्रशासन ने उसे  
क्लीन चीट कैसे प्रदान कर दिया, यह उनकी समझ से परे है।

प्रतिवादी पक्ष की दलील थी कि प्रार्थी के शिकायत पर प्रार्थी के विरुद्ध under Rule 14 of CCS  
(CCA) Rules, 1964 के तहत Disciplinary Proceeding चलाई गई थी। इस क्रम में जांच के दौरान  
प्रार्थी द्वारा लगाए अभियोगों को गलत पाया गया और तदनुसार Disciplinary Authority ने दिनांक  
19.07.2016 के अपने आदेश द्वारा मामले को समाप्त घोषित कर दिया। प्रस्तुत संदर्भ में प्रार्थी को





संबंधित फाईल के नोटशीट की प्रति और Disciplinary Authority के आदेश की प्रति, आदि प्रदान कर दिये गए हैं।

आयोग द्वारा यह पूछे जाने पर कि प्रार्थी को इसके अतिरिक्त और क्या चाहिए। प्रार्थी का कहना था कि उन्हें Enquiry Report की प्रति और अन्य संबंधित दस्तावेजों की प्रतियां चाहिए। आयोग ने जब प्रतिवादी पक्ष से पूछा, उनका कहना था कि प्रस्तुत संदर्भ में Primary Enquiry Report की प्रति प्रार्थी को प्रदान कर दी जाएगी।

### निर्णय:

संचिका में उपलब्ध तथ्यों तथा सुनवाई के दौरान उभय पक्षों द्वारा प्रस्तुत की गयी दलील के आलोक में आयोग जन सूचना अधिकारी को यह निर्देश देता है कि प्रस्तुत आदेश की प्राप्ति से 14 दिनों के अंदर प्रार्थी को प्रश्नगत मामले में Primary Enquiry Report की प्रति प्रार्थी को प्रेषित करें।

उपरोक्तानुसार प्रस्तुत अपील निस्तारित की जाती है।

—ह0—

(यशोवर्द्धन आजाद)

सूचना-आयुक्त

अधिप्रमाणित सत्यापित प्रतिलिपि, आदेश की अतिरिक्त प्रतियाँ आवेदन एवं अधिनियम के अंतर्गत निर्धारित शुल्क के भुगतान पर केन्द्रीय जन सूचना अधिकारी द्वारा प्रदान की जाएगी।



Copy to:

Public Information Officer under RTI  
O/o. Administrative Officer,  
Lady Hardinge Medical College &  
Smt. S.K. Hospital, Vigilance Cell,  
C-604, Shaheed Bhagat Singh Road,  
New Delhi-110001.

2. First Appellate Authority under RTI,  
Deputy Director-Admin. & FAA,  
Lady Hardinge Medical College &  
Smt. S.K. Hospital,  
C-604, Shaheed Bhagat Singh Road,  
New Delhi-110001.

Shri Dhan Singh  
H. No.- 482, 1<sup>st</sup> Floor,  
Housing Board Colony,  
Sector-21-D, Faridabad (Haryana).

**CENTRAL INFORMATION COMMISSION**  
August Kranti Bhawan, Bhikaji Cama Place,  
New Delhi-110066

F. No. **CIC/DTGHS/A/2017/138780**

Date of Hearing	:	<b>20.02.2018</b>
Date of Decision	:	<b>20.02.2018</b>
Appellant/Complainant	:	Deepak Kumar
Respondent	:	CPIO/Lady Hardinge Medical College & Smt. Sucheta Kriplani Hospital Through: Ms. Lalita
Information Commissioner	:	<b>Shri Yashovardhan Azad</b>

**Relevant facts emerging from appeal:**

RTI application filed on	:	29.03.2017
PIO replied on	:	-
First Appeal filed on	:	09.05.2017
First Appellate Order on	:	31.05.2017
2 <sup>nd</sup> Appeal/complaint received on	:	07.06.2017

**Information sought and background of the case:**

Vide RTI application dated 29.03.2017, the appellant sought information regarding Smt Prakash Devi who worked as Lab Assistant/Lab Attended and retired in year 2015. He sought information about provident fund, gratuity, calculated in her account. He also sought information about pension and last drawn salary of Smt. Prakash Devi and other related information. Administrative Officer/PIO vide letter dated 05.05.2017 informed that Smt. Prakash Devi W/o Sh. Kamal Singh, Ex-Lab, Attendant any personal information related to her not to be given to any person. Being dissatisfied, the appellant filed an appeal. The FAA vide order dated 31.05.2017 observed as under:

*"The information has already been sent by Smt. Lalita, Admn Officer & PIO. However, Smt. Prakash Devi w/o Kamal Singh Ex. Lab Attd LPMC & SSK Hospital has given an application stating therein that her son Mr. Deepak Kumar s/o Kamal Singh is harassing them and there is a threat to her life and property from her son. She has also*

*stated that court case is also going on against her son (copy of letter in file). Therefore, information may not be given to him under RTI Act, 2005. "*

Feeling aggrieved as not received any information, the appellant approached the Commission.

**Relevant facts emerging during hearing:**

The appellant has not appeared for the hearing while the Respondent is present and submitted a written statement re-furnishing all the replies furnished so far to the appellant.

**Decision:**

After hearing submissions of the Respondent and perusal of record, the Commission notes that information sought relates to third party who is a retired Lab Attendant. The third party has specifically expressed her objection and requested for non disclosure of her personal information, citing family dispute and threat to her life. In the facts and circumstances of the case, there appears no justification for disclosure of information. The Respondent has correctly handled the RTI Application and hence the Commission finds no requirement of interfering in this case.

The appeal is disposed of as such.

Sd/-  
(Yashovardhan Azad)  
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.





Copy to:

Central Public Information Officer under RTI  
Administrative Officer & CPIO,  
Lady Hardinge Medical College & Smt. Sucheta  
Kripalani Hospital,  
C-604, Shaheed Bhagat Singh Road,  
New Delhi-110001.

First Appellate Authority under RTI,  
Deputy Director-Admin. & FAA,  
Lady Hardinge Medical College & Smt. Sucheta  
Kripalani Hospital,  
C-604, Shaheed Bhagat Singh Road,  
New Delhi-110001.

Shri Deepak Kumar  
E-26, Krishna Vihar,  
Delhi-110086.

अगर विकल्प अधिकृत अधिकारी (ए.ए.ओ.) / Addl. M.S. OFFICE (AH)
डायरी सं./Dy. No. 100/188
09 MAR 2018
ले.हा.मे.का. एवं सु. कु. अस्पताल, नई दिल्ली-1 LHMC & Smt. S. K. Hospital, New Delhi-1

जि.ब.ए.ए.  
9/3/18



केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगुनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/LSHND/A/2017/128480

Mr. F Kumar,  
House No.-E-50,  
Near Ambedkar Park,  
Kondli, Delhi-110096

....अपीलकर्ता/Appellant

VERSUS

बनाम

PIO/Professor, Department of Bio-  
Chemistry, Lady Hardinge Medical  
College & Associated Hospital, C-604,  
Shaheed Bhagat Singh Road,  
DIZ Area, Connaught Place,  
New Delhi-110001

.... प्रतिवादीगण /Respondent

Through:- Dr. Ekta Debnath - PIO and  
Dr. Anju Jain- FAA

Date of Hearing : 27.12.2018  
Date of Decision : 31.12.2018  
Information Commissioner : Shri Bimal Julka

**Relevant facts emerging from appeal:**

RTI application filed on : 17.11.2016  
PIO replied on : 24.11.2016  
First Appeal filed on : 20.02.2017  
First Appellate Order on : - -  
2<sup>nd</sup>Appeal/complaint received on : .05.2017

**Information sought and background of the case:**

The Appellant filed an RTI application dated 17.11.2016, seeking the following information in the form of six questions:

- (i) names of supervisors responsible for Lab work bio chemistry LHMC;
- (ii) names of technicians staff in Bio chemistry lab LHMC and duration of posting in one place;

(iii) functions to be performed by resident doctors & technician who receives samples/load in routine or emergency, whether resident is suppose to receive sample & load on machines,

(iv) photocopy of sample receiving in last three months;

(v) powers to supervisors lab work for work profile of resident/technician staff;

(vi) duty hours of chowkidars/technicians.

PIO/Professor vide reply dated 24.11.2016 provided point-wise response against each of the query. However, the Appellant was not satisfied with the reply of the PIO and hence filed a First Appeal dated 20.02.2017.

Subsequently, the Appellant approached the Commission with the instant Second Appeal.

#### **Facts emerging in Course of Hearing:**

Appellant is absent while Respondent is present for the hearing.

The Respondent contended that rosters of technical staff are not put up on website, since their postings are rotated on a monthly basis. It has further been averred by the Respondent that since the technical staff are employed on contractual basis, information pertaining to them is not available with the Department of Bio-Chemistry. Such information is most likely maintained by the Addl. MS, Administration or the Director. The Respondent further explained that upon receipt of First Appeal, a hearing was scheduled and Appellant had been informed to attend the same on 25.03.2017, to resolve his queries. However, since the Appellant failed to communicate and/or attend the hearing, the Appeal was disposed of after examining the version of PIO. In its written submission presented to the Commission the reply of the CPIO was reiterated.

The Commission referred to the definition of information u/s Section 2(f) of the RTI Act, 2005 which is reproduced below:

*"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."*

Furthermore, a reference can also be made to the relevant extract of Section 2 (j) of the RTI Act, 2005 which reads as under:

*"(j) right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes ....."*



In this context a reference was made to the Hon'ble Supreme Court decision in 2011 (8) SCC 497 (CBSE Vs. Aditya Bandopadhyay), wherein it was held as under:

35.... "It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

Furthermore, the Hon'ble Supreme Court of India in Khanapuram Gandaiah Vs. Administrative Officer and Ors. Special Leave Petition (Civil) No.34868 OF 2009 (Decided on January 4, 2010) had held as under:

6. "...Under the RTI Act "information" is defined under Section 2(f) which provides:

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."

This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."

7. "...the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him."

The Commission also observed that a voluntary disclosure of all information that ought to be displayed in the public domain should be the rule and members of public who having to seek information should be an exception. An open government, which is the cherished objective of the RTI Act, can be realised only if all public offices comply with proactive disclosure norms. Section 4(2) of the RTI Act mandates every public authority to provide as much information suo-motu to the public at regular intervals through various means

of communications, including the Internet, so that the public need not resort to the use of RTI Act.

The Hon'ble Supreme Court of India in the matter of CBI v. Anuradha Bhasme and Ors 2011 (8) SCC 497 held as under:

*"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under Clause (b) of Section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption."*

The Commission also observes the Hon'ble Delhi High Court ruling in WP (C) 12714/2009 Delhi Development Authority v. Central Information Commission and Another (delivered on: 21.05.2010), wherein it was held as under:

*"16. It also provides that the information should be easily accessible and to the extent possible should be in electronic format with the Central Public Information Officer or the State Public Information Officer, as the case may be. The word disseminate has also been defined in the explanation to mean - making the information known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet, etc. It is, therefore, clear from a plain reading of Section 4 of the RTI Act that the information, which a public authority is obliged to publish under the said section should be made available to the public and specifically through the internet. There is no denying that the petitioner is duty bound by virtue of the provisions of Section 4 of the RTI Act to publish the information indicated in Section 4(1)(b) and 4(1)(c) on its website so that the public have minimum resort to the use of the RTI Act to obtain the information."*

Furthermore, High Court of Delhi in the decision of General Manager Finance Air India Ltd & Anr v. Virender Singh, LPA No. 205/2012, Decided On: 16.07.2012 had held as under:

*"8. The RTI Act, as per its preamble was enacted to enable the citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. An informed citizenry and transparency of information have been spelled out as vital to democracy and to contain corruption and to hold Governments and their instrumentalities accountable to the governed. The said legislation is undoubtedly one of the most significant enactments of independent India and a landmark in governance. The spirit of the legislation is further evident from various provisions thereof which require public authorities to:*

*A. Publish inter alia:*

- i) the procedure followed in the decision making process;*
- ii) the norms for the discharge of its functions;*



iii) rules, regulations, instructions manuals and records used by its employees in discharging of its functions;

iv) the manner and execution of subsidy programmes including the amounts allocated and the details of beneficiaries of such programmes;

v) the particulars of recipients of concessions, permits or authorizations granted. [see Section 4(1) (b), (iii), (iv), (v); (xii) & (xiii)].

B. Suo moto provide to the public at regular intervals as much information as possible [see Section 4(2)]."

### Decision

In the light of the facts of this case, it is noted that Appellant has been consistently absent from hearing of First Appeal as well as the Second Appeal hearing today. The respondent from Biochemistry Dept. has explained that the information sought is not held in her custody. However, the Commission advises the Respondent that in future, for such queries in respect of which information is held in the custody of some other department, the RTI application should be transferred to the appropriate custodian of information under Section 6 (3) of the RTI Act, 2005.

PIO, Biochemistry Dept. is hereby directed to forward a copy of this order and a copy of the RTI application to the Director, LHMC and MS, Administration, LHMC under Section 6(3) of the RTI Act, 2005, and ensure that information about posting of contractual staff should be put up on the website in terms of Section 4(1)(b) and Section 4(2) of the RTI Act, 2005, within fifteen days of receipt of this order. Dr. Ekta Debnath-PIO, Biochemistry Dept. is directed to submit an Action Taken Report in this regard within 20.01.2019, failing which non-compliance proceedings shall ensue.

The appeal is disposed of as such.

Sd/-

(Bimal Julka)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy

(अभिप्रेत सत्यापित प्रति)

Ram Parkash Grover

Dy. Registrar

011-26180514 /

राम प्रकाश ग्रोवर, उप-पंजीयक





# CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

**Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)**

Information Commissioner

CIC/YA/A/2015/000569-SA

Kamlesh Kumari v. PIO, Lady Harding Medical College & Smt. S. K. Hospital

Hearing of Show Cause notice

Important Dates and time taken:

**DATE OF HEARING: 27-08-2015**

**DATE OF DECISION: 8-9-15**

**RESULT: Closed**

**Parties Present:**

1. Appellant is not present. Dr. Manju Puri, Director Prof., Mr. Pooran Mal, PIO and Mr. Prem Chand, Admn Offier represented the Public authority.

**FACTS:**

2. Appellant through his RTI application sought following information regarding the number of complaints against Dr. Pikee Saxena, Prof. of Obstt. & Gynae, name of Obstt. & Gynae Doctor & Anesthetist who has done C/S of Mrs. Preeti, w/o Mukesh Kumar on 20.10.2013, action taken by the Administration against them mentioned in his complaint, corrective measures/steps taken after his complaint so that such type of negligence can be avoided in other cases, persons responsible for maintenànce & proper functioning of cautry in the OT during operation, the list of patients along with their contact Nos. & residential addresses who have been operated by Dr. Pikee Saxena during the month of Sept. & Oct. 2013, name the sutures she had used during the C/S, number of patients got cautry burns & how many incisional hernia, wound gap after the cesarean section, etc.

3. In its hearing on 21-7-2015, the Commission had passed the following order dated 30-7-2015, as under:

"3. Appellant Dr Kamlesh Kumari stated that her sister was brought with complaint of non-movement of fetus, to the Lady Harding Medical College & Smt. S. K. Hospital requiring immediate delivery. She alleged delay from 6 am to 11.30 am, which necessitated artificial aspiratory assistance to new born child. Besides, mother suffered cautry burn on her back, which reflected in photos.

4. PIO & Professor-Director Dr. Manju Puri, OBS & Gynae explained that the injury could have also resulted from the quality of chemical used, equipment or quality of medicines. Appellant intervened to say that along with her sister, two other cases for cautry burn also reported. Dr Manju Puri quoted the concerned doctor saying, it was not cautry burn, but burn caused by betadiene.

5. Along with RTI application, Rs 10/- is paid by an IPO without writing name of addressee, so that PIO could fill the required name. But the PIO used it as the excuse to delay the information. The PIO spent Rs. 30/- plus demanding remaking of the IPO with proper name, instead of left blank filling with their name. Dr Kamlesh Kumari filed another RTI with fresh IPO, still complete information was not given.

6. Public authority has three PIOs, each with Administration, Hospital and Department of OBS & Gynae. They were forwarding the RTI application from one to another instead of furnishing information. Dr. Manju Puri replied to the points raised by appellant, as follows:

Information sought	Given
1. How many complaints against Dr. Pikee Saxena, Prof. of Obstt. & Gynae is received?	Except this, there was none.
2. Name of Obstt. & Gynae Doctor & Anesthetist who has done C/S of Mrs. Preeti W/o Mukesh Kumar on 20.10.2013.	Name of anesthesia is claimed as confidential and secret.
3. What action Administration has taken against mentioned in my complaint?	Inquiry is still going on.
4. What corrective measures/steps has been taken after this complaint so that such type of negligence can be avoided in other cases?	Departmental enquiry conducted and taken corrective measures.
5. Who is responsible for maintenance & proper functioning of cautry in the OT during operation?	OT technician is responsible for maintaining of proper function. Information about other patients cannot be given because it is third party information.



6. Kindly provide the list of patient along with their contact No. & residential address who has been operated by Dr. Pikee Saxena during the month of Sept. & Oct. 2013. Name the sutures she has used during the C/S. How many patient got cautery burn & how many incisional hernia, wound gap after the cesarean section?

They do not maintain separate record about injuries, which is part of case records. It is difficult to extract from thousands of case sheets.

7. After hearing elaborate submissions, the Commission finds:

- a) The PIOs have unnecessarily delayed giving information about action taken on her complaint.
- b) The authorities neither responded to complaints nor to RTI Applications in time.
- c) Returning of IPO and transferring the RTI request to other PIOs are deliberate attempts to delay and deny the information.
- d) Claiming confidentiality to the name of the anesthetist is illegal. The names and designations, duties of the Doctors should be disclosed under Section 4(1)(b) voluntarily. The authorities of hospital have to officially notify and display the names of the doctors and their specializations. Patients and their kith-n-kin have right to know the names of the doctors, surgeons anesthetists who treated. It is not their personal information of doctors and not exempted under any provision of RTI Act.
- e) The inquiry is pending for more than one year, since December 2013. The PIOs did not produce any document to support their claim of pendency of inquiry. This delay is highly unreasonable and it defies accountability.
- f) It is not proper to claim secrecy over information about number of patients who suffered injuries during a particular period and the names of doctors who treated them.

8. However, the PIO promised the Commission to maintain hereafter, the record of patients who suffered injuries or facing other problems. However Dr. Manju Puri tried to justify the actions of Dr. Pinkee Saxena against whom the appellant complained. PIO said that Dr. Saxena attended on the request of appellant Dr. Kamlesh Kumari, who was Additional Medical Superintendent of hospital. Appellant rushed to add that along with her another Additional Medical Superintendent also invited Dr. Pinkee Saxena.

9. It is the duty of the respondent public authority to respond to complaint filed by the sister of the patient who suffered injuries during delivery within reasonable time. The RTI Act provided much needed right to know action taken on complaint, because the authorities either sit over the complaints or hide them under the carpet. Under RTI, the authorities have to answer within 30 days truthfully about the status of complaint. With RTI Act empowering citizen with the authority to question, the authorities can no longer arbitrarily hush up inquiries. The Commission thus directs:


- a) the hospital authority to complete inquiry giving opportunity to the concerned Doctors, appellant and the patient,
- b) inform the appellant & this Commission when such inquiry would be completed and action would be intimated,
- c) directs the respondent authority to inform the number of patients who suffered injuries during one week of treatment during the duty hours of Dr Pikee Saxena about cautery burn injuries, incision hernia etc.,
- d) directs the three PIOs to show cause why maximum penalty should not be imposed against them for illegally delaying the factual information, **within 30 days from the date of receipt of this order.**




10. The Commission posts this case for **compliance and penalty proceedings** 27<sup>th</sup> August, 2015, at 2.30 pm, on which the PIO shall be present with relevant files."

**DECISION:**

4. In response to the above show cause notice, Mr. Prem Chand, Administrative Officer, Dr. Manju Puri, Professor along with other officer appeared before the Commission made oral and written submissions dated 25-8-2015, a copy of which was stated to have been despatched to the appellant and pleaded for dropping the penalty proceedings against them. The Commission having satisfied with the submissions and explanation given by the PIO drops the penalty proceedings against him and closes the appeal.

  
(M. Sridhar Acharyulu)  
Information Commissioner

Authenticated true copy

  
(Babu Lal)  
Deputy Registrar

Addresses of the parties:

- Director may please see*  
*14/9/15*
1. The PIO under RTI, Govt of Delhi  
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