

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

शिकायत संख्या / Complaint No.(s) :- CIC/ICOMR/C/2020/672284-BJ+
CIC/MOHFW/C/2020/675866-BJ

Mr. Saurav Das

.... शिकायतकर्ता /Complainant

VERSUS

बनाम

1. CPIO & Nodal Officer (RTI)
Indian Council of Medical Research
V. Ramalingaswami Bhawan
Ansari Nagar, Post Box, 4911
New Delhi – 110029
2. CPIO
Under Secretary (Public Health)
Ministry of Health & Family Welfare (Public Health)
Nirman Bhawan, New Delhi – 110011
3. CPIO
Under Secretary (DHR)
Department of Health Research
2nd Floor, Red Cross Building
New Delhi – 110001
4. CPIO & Under Secretary
Ministry of Health & Family Welfare
Department of Health & Family Welfare (Budget Division)
Nirman Bhawan, New Delhi – 110011

...प्रतिवादीगण /Respondent

Date of Hearing : 16.07.2020
Date of Decision : 23.07.2020

ORDER

RTI – 1 File No. CIC/ICOMR/C/2020/672284-BJ

Date of filing of RTI application	15.04.2020
CPIO's response	15.04.2020
Date of filing the First appeal	Not on Record
First Appellate Authority's response	Not on Record
Date of diarised receipt of Complaint by the Commission	Nil

FACTS:

The Complainant vide his RTI application sought information on 18 points regarding the date when the Govt. of India first received information on the coronavirus/Wuhan Virus/ virus affecting China and a copy of the communication/ report; whether any communication was received by the Govt. of India about a possible pandemic like situation in India between the period of November 2019 to March 2020, if so, a copy of the communication/ report; a copy of the minutes of the meeting that took place to look into the possibility of declaring corona virus a health emergency or not between the period of March 05 to March 14, 2020, Copies of the reports/communications/memos relating to such declaration of health emergency by any officers/experts and other issues thereto.

Dissatisfied due to non receipt of any response from the CPIO, the Complainant approached the Commission.

RTI – 2 File No. CIC/MOHFW/C/2020/675866-BJ

Date of filing of RTI application	15.04.2020
CPIO's response	11.05.2020/ 09.06.2020
Date of filing the First appeal	Not on Record
First Appellate Authority's response	Not on Record
Date of diarised receipt of Complaint by the Commission	Nil

FACTS:

The Complainant vide his RTI application sought information on 18 points regarding the date when the Govt. of India first received information on the coronavirus/Wuhan Virus/ virus affecting China and a copy of the communication/ report; whether any communication was received by the Govt. of India about a possible pandemic like situation in India between the period of November 2019 to March 2020, if so, a copy of the communication/ report; a copy of

the minutes of the meeting that took place to look into the possibility of declaring corona virus a health emergency or not between the period of March 05 to March 14, 2020, Copies of the reports/communications/memos relating to such declaration of health emergency by any officers/experts and other issues thereto.

The Nodal Officer, D/o Health and Family Welfare, vide its letter dated 11.05.2020 informed that PH Division of MoH&FW was not the custodian of the information sought. As such the RTI Cell of the Ministry had already sent the RTI request to other concerned authorities who may be concerned with the subject matter for providing the information. The CPIO, M/oH&FW, Budget Division, vide letter dated 09.06.2020 informed the Appellant that the information sought in points 12 to 14 and 16 to 18, was not available in their office. The subject matter of the said RTI may be more closely connected to the Public Health (PH) and Department of Health Research (DHR) of this Ministry. Hence, the said RTI may be transfer to US (Public Health), US (DHR) MoH&FW under Article 6 (3) of the RTI Act 2005 to provide information directly to the Applicant, if any. Dissatisfied due to non-receipt of any response from the CPIO, the Complainant approached the Commission.

HEARING:

Facts emerging during the hearing:

The following were present:

Complainant: Mr. Saurav Das through VC;

Respondent: Dr. R. Lakshminarayanan, ADG (A), ICMR and Smt. Shanti Devi, Nodal Officer, ICMR and Mr. Manmohan, US (Budget) M/o H&FW, Mr. Rajender Kumar, US (Public Health) and Mr. B. P. Nautiyal, SO (DHR) M/o H&FW through VC;

The Complainant reiterated the contents of the RTI application and stated in both the cases the queries raised were similar and that despite several transfers of his RTI applications to various Public Authorities, no clear, cogent and satisfactory response was received by him, till date. At the outset, it was submitted that the RTI application was originally filed with the Department of Health and Family Welfare on 15 April 2020. In turn, the Department of H&FW transferred the RTI to the concerned CPIOs within its department and also to the ICMR, National Centre for Disease Control (NCDC) and Directorate General of Health Services on the same day i.e. 15 April 2020. After receiving the RTI, the ICMR did not bother to reply until 18 June 2020. The NCDC replied to only points 1 and 9 of the RTI application. It transferred the RTI to Ministry of External Affairs and Ministry of Home Affairs for furnishing the information relating to them. The Directorate General of Health Services (RTI no. DTGHS/R/T/20/00336) transferred it back to the Department of H&FW (the original public authority) after a period of 1 month which was in violation to Section 6(3) of the RTI Act. The CPIO, Public Health Division of the Department of H&FW (RTI No. MOHFW/R/E/20/01088), which was the original public authority, disposed of the RTI after taking one whole month wherein it was informed that "PH Division of MoH&FW is not the custodian of the information sought." The Ministry of External Affairs also transferred the RTI for points 9, 10, 11, 15 and 18. The Nodal Officer transferred the RTI to China Division and United Nations Economic and Social Division (UNES). The CPIO, China

Division replied to the RTI saying points 9, 10 & 11 are not available with them and transferred it to the Embassy of India, Beijing for reply. As far as point 15 is concerned, the same was again claimed to be not held by them and was transferred to the Bureau of Immigration, which is a body exempted from the purview of the RTI Act, 2005. And for point 18, the CPIO claimed exemption under Section 8(1)(a) of the RTI Act and refused to give any details. In the first appeal hearing in this matter, the CPIO claimed before the FAA that the information relating to 9, 10, 11 & 18 cannot be disclosed since the Health Ministry is the nodal department on the corona virus situation. Therefore, they would be the best authority to decide whether the information should be disclosed or not. The FAA agreed and directed the CPIO, China Division to transfer the RTI to the Ministry of Health and Family Welfare for reply. As far as the CPIO, UNES Division is concerned; the CPIO claimed that “the information is not readily available in the records” and again transferred the RTI back to the Ministry of Health and Family Welfare for reply. Therefore, while contesting point wise reply/several transfers of his RTI application from one Department/Ministry to another, it was inter alia prayed to the Commission to implead the Ministry of Home Affairs, Ministry of External Affairs, National Centre for Disease Control, NITI Aayog and the Ministry of Health and Family Welfare as parties to this case as the information sought is scattered amongst all these Ministries and Departments and each of them were passing the application to one another, resulting in no information being provided by anyone. He further requested to recognize a senior officer of the Ministry of Health and Family Welfare as the deemed CPIO in this matter and direct the deemed CPIO to co-ordinate with all the concerned departments after understanding the chronology of the events and furnish all the information, in as much detail as possible, within 15 days from the decision of the Commission.

In addition he read out his written submission dated 15.06.2020 which is available on the records of the Commission.

In its reply, the Respondent, ICMR submitted that a point-wise response, as available on record, was provided to the Complainant vide their letter dated 18th June, 2020, as per the provisions of the RTI Act, 2005, which are narrated as under:-

1. The date when the Government of India FIRST received information on the coronavirus/Wuhan Virus/virus affecting China. A copy of the communication/report be furnished.

Ans. Not pertains to ICMR.

2. Whether any communication was received by the Government of India about a possible pandemic like situation in India between the period of November 2019 to March 2020. If so, a copy of the report/communication be furnished.

Ans. Not pertains to ICMR.

3. A copy of the minutes of the meeting that took place to look into the possibility of declaring coronavirus a health emergency or not between the period of March 05 to March 14 2020. Copies of the reports/communications/memos relating to such declaration of health emergency by any officers/experts be furnished as well.

Ans. Not declared by ICMR.

4. Whether the Government of India/any of its ministries or departments had received warnings/alerts/communication from the World Health Organisation on the possibility of coronavirus affecting India. If so, the date of the communication(s) along with the copies of the communication(s) be furnished.

Ans. Only through WHO website.

5. In relation to point 4, a copy of the action taken on such a communication be furnished along with a copy of file notings.

Ans. Please refer to ICMR website, particularly media link.

6. Whether any internal reports on a possibility of a pandemic like situation arising in India was communicated within the Ministry or its departments. If so, furnish a copy of the same along with dates and action taken details. Furnish the file notings as well.

Ans. As at 5 above.

7. Whether the Ministry/its departments had received any intelligence information on the coronavirus/possible pandemic/Wuhan virus/China Virus/influenza-like disease originating from China possibly affecting India in future. If so, the details thereof, including the date on which such information was received.

Ans. NA

8. In relation to Point 7, kindly furnish a copy of the report along with the action taken on the report. File notings be also furnished.

Ans. NA

9. Whether the Government of India/this Ministry or its various departments communicated with China on their coronavirus situation. If so, the details of the communication, nature of communication be furnished along with all the dates.

Ans. NA

10. Whether the Government of India/this Ministry or its various departments sought China's assistance in getting the sample of Virus. If so, on which date and consequent actions and reply received be furnished.

Ans. Not available

11. Whether the Government of India/this Ministry or its various departments requested China for sharing Virus genetic sequence. If so, the details thereof including the date and subsequent response and action taken.

Ans. As above at 10

12. The date on which the Ministry of Health first communicated with the Prime Minister's Office on a possibility of this virus affecting India. The date be furnished. Copies of the communication be furnished as well.

Ans. Not pertains to ICMR

13. The date on which the issue of inadequate Personal Protective Equipment was discussed in the Ministry. Furnish copy of the minutes of the meeting and subsequent action taken. File notings be furnished.

Ans. Not pertains to ICMR

14. Whether additional funds were sought on fight against the virus. If so the date on which the first request and subsequent requests were made and to whom be furnished.

Ans. Total additional fund of Rs. 1,303.08 crore (Rs. 550 crore on 6th April, 2020 and Rs 753.08 crore on 10th June 2020 respectively) for Covid-19 Global Pandemic.

15. Whether the Ministry proposed a ban on incoming Chinese citizens to India. If so, the details including date of first request/proposal be furnished.

Ans. Not pertains to ICMR

16. Whether the ICMR received any reports/communications/internal warnings/memos/internal reports during the period of November 2019 to March 2020 about the possibility of a pandemic like situation in India due to the virus. If so, the copy of the communication along with date be furnished. All such communications be furnished with dates.

Ans. The instructions, guidelines, circulars, notifications and directions regarding Covid-19 pandemic have been continuously by uploaded on ICMR website and the same is available at ICMR website

17. In relation to point 16, furnish the action taken on each such communication.

Ans. Please refer to ICMR website, particularly the Covid-19 link

18. Whether the Government of India/this Ministry or its various departments was monitoring the situation in China and its possible effects on India. If so, the details be furnished along with the date when such monitoring started.

Ans. Not pertains to ICMR

The Complainant however remained dissatisfied with the replies except on point no. 14 and stated that he did not find any relevant information on the ICMR's website. The Respondent consistently maintained their earlier submission and stated that the available information had already been shared with the Complainant, as per the provisions of the Act.

In its reply, the Respondent, Public Health (M/o H&FW), submitted that a suitable reply was provided to the Complainant on 11.05.2020 informing that PH Division is not the custodian of information and that the RTI Cell of the Ministry had already sent the RTI request to other concerned authorities who may be concerned with the subject-matter for providing the information. The Respondent, Public Health, further submitted that the information sought is vague and ambiguous in nature and no specific Department / Ministry was mentioned by the Complainant and therefore, the application was transferred to the concerned authorities who are dealing with the field level. On being queried by the Commission regarding the concerned Nodal Authority in M/o H&W responsible for maintaining and updating the whole Corona Virus dissemination mechanism, the Respondent informed that Mr. Saranga Dhar Nayak, DS, is designated as a Nodal Authority. The Respondent, M/oH&FW, Budget Division, submitted that the information sought by the Complainant was not available in their Division and the subject matter of the RTI may be more closely connected to the Public Health (PH) and Department of Health Research (DHR) of the M/o H&FW. Hence, the said RTI application was transferred to US (Public Health), US (DHR) M/oH&FW under Article 6 (3) of the RTI Act 2005 to provide information directly to the Applicant, if any. It was observed by the Commission that officers from the M/o H&FW (Public Health / Budget Division / DHR, etc.) who ought to be the concerned Public Authorities having the consolidated data appeared totally clueless and tossed the responsibility of record keeping in the present instance from one Public Authority to another.

The Commission was in receipt of a written submission from the Complainant dated 15.06.2020 wherein at the outset, it was submitted that despite receiving notice of hearing from the Commission on his Complaint, the Public Authorities had not even bothered to forward his RTI application to the concerned CPIOs. He further submitted that according to media report (ANNEXURE 4), the Ministry of Health has no DATA on the countrywide daily COVID-19 testing capacity. Such important information is not compiled and kept with the Government, which is appalling. In all the other progressive countries, the daily testing capacity is being furnished under the Freedom of Information Act. Therefore, it was requested to the Commission to expand the scope of his complaint and implead other important Government Departments including National Centre for Disease Control and the NITI Aayog. He inter alia prayed to the Commission to direct the concerned CPIOs of MEA, MHA and most importantly, the MoHFW to answer the RTI questions immediately within 7 days after finding the concerned CPIOs. He further requested the Commission to recognize the Director General, ICMR as the deemed CPIO in the case and explanation be sought for the complete defunct RTI system and clear refusal to

act on RTIs despite directly receiving a notice from the Commission in pursuance to his complaint on this matter and directly receiving emails highlighting this issue with the public authority in April 2020 and still not acting on the illegality. He also requested the Commission to set-up a special bench of Information Commissioners or a single bench of Information Commissioner that will specially hear all the RTI appeals/ complaints arising out of this pandemic as also to take necessary steps in larger public interest and in the interest of speedy and complete justice.

The Commission was in receipt of another submission from the Complainant dated 21.06.2020 wherein at the outset, it was submitted that the RTI was originally filed with the Department of Health and Family Welfare on 15 April 2020. In turn, the Department of H&FW transferred the RTI to the concerned CPIOs within its department and also to the ICMR, National Centre for Disease Control (NCDC) and Directorate General of Health Services on the same day i.e. 15 April 2020. After receiving the RTI, the ICMR did not bother to reply to the RTI until 18 June 2020. After receiving the RTI, the NCDC replied to only points 1 and 9 of the RTI. The NCDC transferred the RTI to Ministry of External Affairs and Ministry of Home Affairs for furnishing of information relating to them. After receiving the RTI, the Directorate General of Health Services (RTI no. DTGHS/R/T/20/00336) transferred back the RTI to the Department of H&FW (the original public authority) after taking one month in violation of Section 6(3) of the RTI Act. Back to square one with absolutely no information. The CPIO of the Public Health Division of the Department of H&FW (RTI no. MOHFW/R/E/20/01088), which was the original public authority, disposed of the RTI after taking one whole month. The Ministry of External Affairs was transferred the RTI for points 9, 10, 11, 15 and 18. The Nodal Officer transferred the RTI to China Division and United Nations Economic and Social Division (UNES). The CPIO, China Division replied to the RTI saying points 9, 10 & 11 are not available with them and transferred the RTI to the Embassy of India, Beijing for reply. As far as point 15 is concerned the same was again claimed to be not held by them and was transferred to the Bureau of Immigration, which is a body exempted from RTI. And for point 18, the CPIO claimed exemption under Section 8(1)(a) of the RTI Act and refused to give any details. On a first appeal hearing to this case, the CPIO claimed before the FAA that the information relating to 9, 10, 11 & 18 cannot be disclosed since the Health Ministry is the nodal department on the corona virus situation. Therefore, they would be the best authority to decide whether the information should be disclosed or not. The FAA agreed and directed the CPIO, China Division to transfer the RTI to the Ministry of Health and Family Welfare for reply. Therefore, while contesting point wise reply/several transfers of his RTI application, it was inter alia prayed to the Commission to implead the Ministry of Home Affairs, Ministry of External Affairs, National Centre for Disease Control, NITI Aayog and the Ministry of Health and Family Welfare as parties to this case as the information is scattered amongst all these Ministries and Departments and each of them are passing the buck to one another, resulting in no information being provided by anyone and no responsibility on anyone. He further requested to recognize a senior officer of the Ministry of Health and Family Welfare as the deemed CPIO in this matter and direct the deemed CPIO to co-ordinate with all the concerned departments after understanding the chronology of the events and contentions given here and furnish all the information, in as much detail as possible, within 15 days from the date of the order of the Commission.

Having heard all the parties and on perusal of the available records, the Commission expressed its concern that the basic information could not be provided to the information seeker by any of the Respondents. As per the provisions of the RTI Act, 2005, the CPIO acts as the pivot for enforcing the implementation of the RTI Act, 2005 and it is their responsibility to facilitate flow of information instead of simply shifting the onus of disclosing the same to other Public Authority/ officials. In the present instance none from the Respondent Public Authority i.e., M/oH&FW disclosed the information or made an effort to assist the information seeker in obtaining the information on a very sensitive matter which certainly pertains to the interest of the public at large. In this context, the Commission referred to the decision of the Hon'ble Delhi High Court in J P Aggarwal v. Union of India (WP (C) no. 7232/2009 wherein on the issue of the duties and responsibilities of the CPIO, it was held that:

***“ 7“it is the PIO to whom the application is submitted and it is who is responsible for ensuring that the information as sought is provided to the applicant within the statutory requirements of the Act. Section 5(4) is simply to strengthen the authority of the PIO within the department; if the PIO finds a default by those from whom he has sought information. The PIO is expected to recommend a remedial action to be taken”.
The RTI Act makes the PIO the pivot for enforcing the implementation of the Act.”***

8.....The PIO is expected to apply his / her mind, duly analyse the material before him / her and then either disclose the information sought or give grounds for non-disclosure.”

The Commission further observed that the RTI Act, 2005 stipulates time limits in its various provisions relating to responding to RTI Applications, transfer of applications, filing and disposing of first appeal to ensure that a culture of information dissemination is strengthened so that a robust functioning of the democracy gets established. This was recognised by the Hon'ble High Court of Delhi in Mujibur Rehman vs Central Information Commission (W.P. (C) 3845/2007)(Dated 28 April, 2009) wherein it was held as under:

“14.....The court cannot be unmindful of the circumstances under which the Act was framed, and brought into force. It seeks to foster an “openness culture” among state agencies, and a wider section of “public authorities” whose actions have a significant or lasting impact on the people and their lives. Information seekers are to be furnished what they ask for, unless the Act prohibits disclosure; they are not to be driven away through sheer inaction or filibustering tactics of the public authorities or their officers. It is to ensure these ends that time limits have been prescribed, in absolute terms, as well as penalty provisions. These are meant to ensure a culture of information disclosure so necessary for a robust and functioning democracy.”

Furthermore, the Hon'ble High Court of Delhi in the matter of R.K. Jain vs Union of India, LPA No. 369/2018, dated 29.08.2018, held as under:

“9..... That apart, the CPIO being custodian of the information or the documents sought for, is primarily responsible under the scheme of the RTI Act to supply

the information and in case of default or dereliction on his part, the penal action is to be invoked against him only.”

The Commission also noted that it should be the endeavour of the CPIO to ensure that maximum assistance should be provided to the RTI applicants to ensure the flow of information. In this context, the Commission referred to the OM No.4/9/2008-IR dated 24.06.2008 issued by the DoP&T on the Subject “*Courteous behavior with the persons seeking information under the RTI Act, 2005*” wherein it was stated as under:

“The undersigned is directed to say that the responsibility of a public authority and its public information officers (PIO) is not confined to furnish information but also to provide necessary help to the information seeker, wherever necessary.”

The Commission also referred to the OM No. 1/32/2007-IR dated 14.11.2007 wherein while prescribing for creation of a nodal authority for dealing with RTI applications, it was stated as under:

“It is, therefore, requested that all public authorities with more than one PIO should create a central point within the organisation where all the RTI applications and the appeals addressed to the First Appellate Authorities may be received. An officer should be made responsible to ensure that all the RTI applications/ appeals received at the central point are sent to the concerned Public Information Officers/ Appellate Authorities, on the same day. For instance, the RTI applications/ appeals may be received in the Receipt and Issue Section/ Central Registry Section of the Ministry/ Department/ Organisation/ Agency and distributed to the concerned PIOs/ Appellate Authorities. The R&I/CR Section may maintain a separate register for the purpose. The Officer-in-charge/ Branch Officer of the Section may ensure that the applications/ appeals received are distributed the same day.”

The Commission further observed that the information sought ought to have been suo motu disclosed on the website of the Public Authority at the outset so as to obviate the necessity for an information seeker to obtain the same through an RTI application. In this context, the Commission 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 CBSE and Anr. Vs. Aditya Bandopadhyay 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.”

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\(2\)](#)].”

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.”

It was observed by the Commission in earlier matter of Mr. Venkatesh Nayak vs. CPIO, Ministry of Health & Family Welfare and Others, in Complaint No.:- CIC/MOHFW/C/2020/668909-BJ + CIC/DTGHS/C/2020/668913-BJ dated 05.06.2020, the Commission had advised as under:-

“Therefore, the Commission advises the Secretary, M/o H&FW to designate an officer of an appropriate seniority as a Nodal Officer to examine the matter and suo motu disclose the information sought in the RTI application on the website of the Public Authority within a period of 15 days from the date of receipt of this order in the larger public interest.”

In compliance of the above directions of the Commission, the Under Secretary to the Govt. of India, Ministry of Health and Family Welfare, D/oH&FW (RTI Cell), vide letter dated 15th June, 2020, informed that Shri Saranga Dhar Nayak, Deputy Secretary was nominated as a Nodal Officer on behalf of the Ministry.

It has been consistently observed by the Commission that important decisions are being made by the Governments involving huge interventions in the healthcare impacting daily lives of billions of people as they seek to secure social, economic and cultural wellbeing of its population and uphold the rule of law. It is essential therefore that the decisions are thoroughly documented in order for the Governments to remain accountable both during and after the crisis for future generations to be able to learn from these actions.

The Complainant prayed in his Complaint filed before the Commission to treat these matters as Second Appeal and to furnish all the information as sought in the RTI application.

DECISION

Keeping in view the facts of the case and the submissions made by all the parties and in the light of the decisions cited above as also the observations made in the previous paragraphs, the Commission observed that very pertinent information pertaining to the COVID-19 pandemic situation was sought by the Complainant which could not be made available by the Respondent, M/oH&FW. These and similar such issues are being debated and contested at various public fora and therefore it is the considered view of the Commission that authentic, verified and cogent reply based on factual information needs to be furnished to the Complainant as also disclose on the Public Authority website for the benefit of public at large. The fact that the application shuttled from one Division of the Public Authority to another indicates that there is a very urgent requirement for not only notifying a Nodal Authority in the M/o H&FW to compile, collate and consolidate the information sought in the RTI application but to effectively act and suo motu upload the same on its website in compliance with Section-4 of the RTI Act, 2005.

Therefore, the Commission advises the Secretary, Health & Family Welfare to have this matter examined at an appropriate level and the Nodal Authority so notified should furnish all the details sought by the Complainant in a clear, cogent and precise manner within a period of 30 days from the date of receipt of this order depending upon the condition for containment of the Corona Virus Pandemic in the Country or through email.

The Complaints stand disposed accordingly.

(The Order will be posted on the website of the Commission).

(Bimal Julka) (बिमल जुल्का)

(Chief Information Commissioner) (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

K.L. Das (के.एल.दास)

Dy. Registrar (उप-पंजीयक)

011-26186535/ kl.das@nic.in

दिनांक / Date: 23.07.2020

Copy to:

1. The Secretary, Ministry of Health and Family Welfare, 'A' Wing, Nirman Bhawan, New Delhi-110011.
2. Director General, ICMR, Indian Council Of Medical Research Ansari Nagar, New Delhi - 110029

