

CENTRAL INFORMATION COMMISSION

August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F.No.CIC/LS/A/2013/001730-YA

F.No.CIC/LS/A/2013/001397-YA

F.No.CIC/YA/A/2014/001857

F.No.CIC/YA/A/2014/000997

Date of Hearing : 12.02.2015
Date of Decision : 02.03.2015

Appellant : Dr. Amal Kumar Bhattacharya
Vadodara

Respondent : Shri Shikhar Ranjan, PIO
Ms. Ranjini Raman, Legal Asstt.
Medical Council of India (MCI)
New Delhi

Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal: F.No.CIC/LS/A/2013/001730-YA

RTI application filed on : 24.02.2013
PIO replied on : 12.04.2013
First Appeal filed on : 15.04.2013
First Appellate Authority (FAA) order on : 24.06.2013
Second appeal received on : 09.07.2013

Relevant facts emerging from appeal: F.No.CIC/LS/A/2013/001397-YA

RTI application filed on : 03.03.2013
PIO replied on : 16.04.2013
First Appeal filed on : 15.04.2013
First Appellate Authority (FAA) order on : No order
Second appeal received on : 11.06.2013

Relevant facts emerging from appeal: F.No.CIC/YA/A/2014/001857

RTI application filed on : 13.01.2014
PIO replied on : 30.01.2014
First Appeal filed on : 25.02.2014
First Appellate Authority (FAA) order on : 21.03.2014
Second appeal received on : 31.07.2014

Relevant facts emerging from appeal: F.No.CIC/YA/A/2014/000997

RTI application filed on : 07.06.2013
PIO replied on : 09.07.2013
First Appeal filed on : 07.07.2013
First Appellate Authority (FAA) order on : 16.09.2013
Second appeal received on : 10.03.2014

As both the parties are same, the abovementioned appeals are being clubbed & heard together. Both parties are present.

F.No.CIC/LS/A/2013/001730-YA

The appellant filed an RTI application on 24.02.2013, seeking information regarding disposal, evidence, file notings, etc. on his complaint dated 07.01.2012. On not receiving any reply from the PIO within prescribed time, appellant filed first appeal. PIO/Dy. Secy. in his reply, on Points A to H, informed the appellant that his complaints are being compiled and are being looked into; on Point I, she informed the appellant that no citizen charter has yet been adopted by MCI. The FAA/Addl. Secy. in his order upheld the PIO's decision. Further, he stated that the PIO cannot settle the appellant's grievance under the RTI Act.

The appellant stated that he had sought simple and specific information but the PIO has given him vague and incomplete information as the final outcome of his complaint dated 07.01.2012 has still not been informed to him. The appellant also stated that the PIO did not reply to him within the prescribed time period of 30 days. The respondent stated that the MCI has only administrative control over the colleges and as such, the colleges come under the State Government. He stated that only the concerned State Govt. can take action against the complaints filed by the appellant, which was already informed to him. The appellant urged that the complaints have been filed against four doctors who do not possess the requisite qualification as per MCI norms and that action must be taken against them. The respondent reiterated that an inspection was conducted and everything was found in order. On query by the Commission whether the appellant was informed about the outcome of the inspection, the respondent replied in the negative.

F.No.CIC/LS/A/2013/001397-YA

The appellant filed an RTI application on 03.03.2013, seeking information regarding complaint dt. 11.10.2011 (or around that time) against violation of Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 in respect of rights of persons with disability of Dr. Rajesh T. Kumar to Chairman, MCI. On not receiving any reply from the PIO within prescribed time, appellant filed first appeal. PIO/SO in his reply informed the appellant that no action has been taken on the said complaint. The FAA did not dispose of the first appeal.

The appellant stated that he is seeking this information in public interest because the information is regarding appointment of persons without requisite qualification/merits as required under the MCI Act. The respondent stated that appointment of faculty is done by the concerned State Govt. and MCI has no role to play in the appointment of staff.

The appellant further stated that appointments are being done in these colleges due to political pressures from ministers. He named a few who influenced such appointments. He stated that he basically want the respondent authority to ensure that he appointment of teachers/faculty is

made on the basis of merits and as per their qualifications. On query by the Commission whether MCI has the power to terminate a teacher/doctor, the PIO replied in the negative and stated that the Council can only de-recognise the Institute.

F.No.CIC/YA/A/2014/001857

The appellant filed an RTI application on 13.01.2014, seeking information regarding action taken on his complaint dt. 17.11.2013, received from M/o Health & Family Welfare vide letter dated 26.12.2013 along with copies of file-notings/correspondence received and made to other offices, etc. On not receiving any reply from the PIO within prescribed time, appellant filed first appeal. The FAA in his order enclosed letter dt. 30.01.2014 written by the CPIO to US(W&PG), M/oH&FW stating that no enclosure was found enclosed and requested her to resend the same with complete enclosures, a copy of which was marked to the appellant.

The appellant stated that till date, he has not got any information about his complaint forwarded to MCI by M/o Health & Family Welfare. The PIO stated that information as available on record at that time was provided to the appellant, but, since the annexure were not enclosed with the said letter sent by the Ministry, action could not be taken on the appellant's grievance. The appellant stated that he will send the annexure to the respondents. The respondent present from the Ministry stated that the case pertains to MCI.

F.No.CIC/YA/A/2014/000997

The appellant filed an RTI application on 07.06.2013, seeking information regarding show cause notices issued to several colleges as referred to in a CBI report, etc. On not receiving any reply from the PIO within prescribed time, appellant filed first appeal. PIO/Dy. Secy. in his reply offered inspection of relevant record to the appellant on Points A to G stating that information sought is voluminous and on Points H to J stated that the complaints have been forwarded to Chief Secy., Govt. of Gujarat for necessary action. The FAA/Addl. Secy. in his order, upheld the PIO's decision.

The appellant stated that the PIO has malafidely denied the information to him stating that information is voluminous. Further, he stated that the PIO did not reply to him within the prescribed period of 30 days. The PIO stated that the information sought runs into thousands of pages and collecting such vast information would definitely divert the resources of the authority. He stated that they have not denied the information and that the appellant is free to inspect the relevant record.

Decision:

After hearing the parties and on perusal of record, the Commission, in **F.No.CIC/LS/A/2013/001730-YA**, directs PIO to provide a consolidated report on action taken on his complaint along with an inspection report (as stated by the PIO above), within three weeks of receipt of this order, under intimation to the Commission.

In **F.No.CIC/LS/A/2013/001397-YA**, the Commission directs PIO to provide revised information to the appellant, as per the provisions of the Act, within three weeks of receipt of this order, under intimation to the Commission. The PIO is free to invoke Section 10 as stated under the Act.

In **F.No.CIC/YA/A/2014/001857**, the Commission directs the appellant to provide a copy of annexure along with any other relevant document to the PIO, within one week of receipt of this order, under intimation to the Commission. The PIO is directed to provide information regarding action taken on the same to the appellant, within four weeks of receipt of the documents from the appellant, under intimation to the Commission.

In **F.No.CIC/YA/A/2014/000997**, the Commission directs the PIO to fix a mutually convenient date and time with the appellant, for inspection of relevant record to the appellant, within four weeks of receipt of this order, under intimation to the Commission. Copies/extracts will be provided to him on payment of requisite fee. PIO is free to invoke Section 10 of the Act, as necessary.

With these observations, the appeals are disposed of accordingly.

(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.

(B.D. Harit)
Deputy Secretary & Deputy Registrar