

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/A/2011/002235/15272
Appeal No. CIC/SG/A/2011/002235

Relevant Facts emerging from the Appeal:

Appellant : Mr. Nitin Bajaj,
64, Bank Enclave,
Laxmi Nagar, Delhi – 92.

Respondent : Dr. S. Lalwani
CPIO & Assoc. Professor
All India Institute of Medical Sciences,
O/o The Associate Prof. of Forensic Medicine
Room No. 314, IIIrd Floor,
JPN Apex Trauma Centre (AIIMS),
Raj Nagar, New Delhi – 110029.

RTI application filed on : 31/05/2011
PIO replied : 10/07/2011
First appeal filed on : 10/07/2011
First Appellate Authority order : 25/07/2011
Second Appeal received on : 12/08/2011

Information sought: -

1. What is the precise timing when my wife, Dr. Nidhi Bajaj (Patient) arrived at Jai Prakash Narayan Apex Trauma Centre, AIIMS, ND-29 on 07-03-2011 in respect of MLC no. 24863 under FIR No. 87 of 2011 lodged against me, Nitin Bajaj in P.S Amar Colony, ND?
2. Who accompanied the patient to the Hospital for the above mentioned MLC on 07-03-2011? Kindly provide complete details of the person(s).
3. Which Doctor on duty attended/conducted the above mentioned MLC on the patient on 07-03-2011? Kindly provide name & designation of the Doctor.
4. What is the precise timing when the Doctor conducted medical examination on the patient on 07-03-2011 with respect to the above mentioned MLC?
5. What is the alleged history recorded in the above mentioned MLC. Kindly provide complete details of the same.
6. What is the Doctor's report on the medical examination recorded in the above mentioned MLC? Kindly provide complete details of the same along with details of symptoms of patient, injury and treatment given etc.
7. What is the no. and timings of the MLC registered before and after the above mentioned MLC No. 248763? Kindly provide complete details of the same.

PIO response:-

Reference to your letter dated 31.05.2011 on the subject cited above. In view of Judgment of CIC in case Mrs. Kavita Vs AIIMS vide F.No. CIC/AD/A/2010/001654 dated 30.12.2010, you are requested to

provide an Authority Letter from the person concerned about whom information has been sought or get a court order declaring husband as the legal guardian under RTI Act, 2005.

Grounds for the First Appeal:

Unsatisfactory information was given by the PIO.

Order of the First Appellate Authority (FAA):

The case is medico legal in nature and attract exemption from disclosure of information u/s 8(e), 8(h) & 11 (third Party information).

Since the information regarding the patient is confidential in nature and is with hospital due to fiduciary relation ship with patient hence can be revealed to only patient himself.

Grounds for the Second Appeal:

Unsatisfactory reply and Order of FAA received by the Appellant.

Relevant Facts emerging during Hearing:

The following were present

Appellant : Absent;

Respondent : Dr. S. Lalwani, CPIO & Assoc. Professor; Mr. M. K. Sharma, Assistant Administrative Officer and Mr. D.R. Sehgal, Office Superintendent;

The PIO has refused to give all the information claiming exemption under Section 8(1)(e) of the RTI Act. The Commission recognizes that information regarding a patient's medical history is with a Doctor or Hospital in a fiduciary capacity. However, some of the information sought by the Appellant will not fall in this category. The Appellant has sought the time of admission of the patient, the name of the person who accompanied the patient, name and designation of doctor who conducted the examination, time at which the examination was conducted and time of registration of the MLC. These points do not seek information about the medical records of the patient and hence are not exempt as per the provisions of the RTI Act.

Decision:

The appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 05 November 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this order will be provided free cost as per Section 7(6) of RTI Ac.

Shailesh Gandhi
Information Commissioner
21 October 2011

(In any correspondence on this decision, mentioned the complete decision number.)(ved)