

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

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Decision No. CIC/SG/A/2011/002931/16640

Appeal No. CIC/SG/A/2011/002931

Relevant Facts emerging from the Appeal

Appellant : Mr. K. Kathirmathiyon,
Secretary,
Coimbatore Consumer Cause,
25, Periyar Nagar, 4th Street,
Vadavalli, Coimbatore-641 041.

Respondent : Dr. Davinder Kumar
Public Information Officer & Joint Secretary
MEDICAL COUNCIL OF INDIA
Pocket - 14, Sector- 8,
Dwarka. New Delhi — 110077

RTI application filed on : 21/07/2011 received on 28/07/2011
PIO replied : 08/08/2011
First Appeal : 16/08/2011
First Appellate Authority order : Not mentioned
Second Appeal received on : 21/10/2011

Information Sought:

The Appellant had sought information about Doctors/Hospitals against whom MCI had initiated action for violating code of conduct/ethics because of their advertisements.

Reply of the CPIO:

In absence of complete details in respect of the complainants, the required information would not be possible to provide under the RTI Act, 2005.

Grounds for the First Appeal:

Information provided is incomplete, misleading and unsatisfactory.

Order of the FAA:

Not mentioned

Grounds for the Second Appeal:

Information provided is incomplete and unsatisfactory.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Absent;

Respondent: Mr. Sujit Prasad, Advocate representing Dr. Davinder Kumar, Public Information Officer & Joint Secretary;

The PIO should have provided information sought by the appellant. The respondent states that there is no compilations of actions initiated by MCI for issued of advertisements by Doctors. The Respondent also clarifies that the Hospitals do not come under the purview of MCI. The respondent admits that the action is initiated against some documents in its Appellate Jurisdiction for breach of ethics but there is no specific compilation about action taken for issue of advertisements. Given the explanations

by the respondent the Commission feels that the PIO should have either offered attested photocopies of all the actions initiated in the said period or offered an inspection of the relevant records by the Appellant. The Commission now directs the PIO to compile the information for the last five years on the issue of action taken against doctors for issue of advertisements and provide it to the Appellant.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 15 January 2012.

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 of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
29 December 2011

(In any correspondence on this decision, mention the complete decision number.)(AS)