

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गणनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली - 110067
Munirka, New Delhi-110067

File no.: CIC/QCIND/A/2020/111396

In the matter of:

Prem Prakash Prajapati

... Appellant

VS

Central Public Information Officer
Quality Council of India, 2nd Floor,
Institution of Engineers Building,
Bahadur Shah Zafar Marg, New Delhi-110002

...Respondent

RTI application filed on	:	10/12/2019
CPIO replied on	:	07/01/2020
First appeal filed on	:	15/01/2020
First Appellate Authority order	:	24/02/2020
Second Appeal dated	:	05/03/2020
Date of Hearing	:	08/11/2021
Date of Decision	:	08/11/2021

The following were present:

Appellant: Not present

Respondent: Dr. Hari Prakash, Director and CPIO, present over VC at CIC

Information Sought:

The appellant has sought the following information:

- Provide the details of the official who had signed the accreditation certificates issued by NABL till May, 2015.

Grounds for Second Appeal

The CPIO provided the misleading information.

Submissions made by Appellant and Respondent during Hearing:

The appellant's representative was present at the VC venue but failed to submit a copy of the authority letter to the Registry through weblink given on the hearing notice nor was such information given by the appellant in advance of the hearing. Therefore, he was not allowed to represent and the case was decided on merits.

The CPIO submitted that a suitable reply was given to the appellant vide letter dated 07.01.2020.

Observations:

Based on a perusal of the record, it was noted that the CPIO vide letter dated 07.01.2020 replied to the applicant that as per the set guidelines, the certificates are signed by the authorized signatory. Currently the signing authority is CEO, NABL. The FAA had provided a revised reply and given the designation and address of the authorised signatory for the period till May 2015. The Commission noted that available information was already provided and there is no scope for any further relief.

Further, the earlier bench of the Commission on 11.05.2017 in case no. CIC/NABTC/A/2017/187614, held that the appellant is in the habit of filing multiple RTI applications, and was cautioned to refrain from doing the same.

The appellant is again advised to use the RTI Act responsibly.

Decision:

In view of the fact that available information was already given, the Commission finds no flaw in the CPIO's reply. The reply was just and proper and hence, no action lies.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

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(अभिप्रमाणित सत्यापितप्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011-26182594 /

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मुनिरका, नई दिल्ली - 110067
Munirka, New Delhi-110067

File No. CIC/QCIND/A/2020/108655

In the matter of:

Sushil Kumar

...Appellant

VS

1. Central Public Information Officer
Quality Council of India,
2nd Floor, Institution of Engineers Building,
Bahadur Shah Zafar Marg,
New Delhi - 110002.

2. Central Public Information Officer
Quality Council Of India,
Indian Council for Child Welfare Building (ICCW),
4, Pandit Deen Dayal Upadhyaya Marg,
Mata Sundari Railway Colony, Mandi House,
New Delhi-110002.

...Respondents

RTI application filed on	:	20/09/2019
CPIO replied on	:	17/10/2019
First appeal filed on	:	23/10/2019
First Appellate Authority order	:	22/11/2019
Second Appeal filed on	:	20/02/2020
Date of Hearing	:	05/10/2021
Date of Decision	:	05/10/2021

The following were present:

Appellant: Not present

Respondent: Hari Prakash, Director and CPIO; Deepti Mohan, Joint Director and PIO, present over VC

Information Sought:

The appellant has sought the following information with regard to QCI recommendation/certificate:

- A. Copy of recommendation issued by Quality Council of India with respect to Wisdom Dental Maxillofacial and Implant Clinic empanelled at Sl. No. 78 of CGHS empanelment site along with bio-medical waste authorisation submitted by the unit.
- B. Copy of recommendation issued by Quality Council of India in respect of M/s. Modern Dental and Oro Maxillofacial Clinic empanelled at Sl. No. 79 of the CGHS empanelment site along with bio-medical waste authorisation submitted by the unit.
- C. Copy of recommendation issued by the equality Council of India in respect of M/s. Das Path Lab empanelled at Sl. No. 91 of the CGHS empanelment site along with bio-medical waste authorisation submitted by the unit.
- D. And other related information.

Grounds for filing Second Appeal

The CPIO did not provide the desired information.

Submissions made by Appellant and Respondent during Hearing:

The appellant was not present to plead his case despite service of hearing notice on 20.09.2021 vide speed post acknowledgment No. ED933708644IN. However, in his second appeal he had stated that he is not satisfied with the reply of the CPIO who had denied the information regarding the Medical Waste Authorization given to the above mentioned clinics. He submitted that the denial u/s 11 of the RTI Act was illegal, arbitrary and in complete obliteration of Bio-Medical Waste Management Rule, 2016. He also submitted that neither the Health Care Unit to whom the Bio-Medical Waste Authorization relates nor the Delhi Pollution Control Committee who has issued the said authorization have ever said that the Bio-medical Waste Authorization may be treated as confidential. Therefore, the CPIO may be directed to provide the desired information to him.

The CPIO reiterated the contents of his initial reply dated 17.10.2019 & his written submissions dated 28.09.2021. He also referred to an order passed by the Commission in File No. CIC/QCIND/A/2019/603506 dated 28.04.2020

where the appellant was advised to approach the concerned hospital for obtaining any information related to the hospital.

He also submitted that his organisation has a limited role of inspection and accreditation and while performing such roles and functions, they receive information from different hospitals under an agreement and thus have a fiduciary relationship with such institutes that supply information to them for getting accreditation and it would not be proper to disclose the personal information of the third parties which is shared with them under a binding agreement. He further submitted that whatever information was available and could be shared with the appellant was provided by NABH, QCI to him, however, regarding copies of Bio- Medical Waste Authorization certificate sought by applicant it was not possible to disclose the said information under Section 11(1) of RTI Act, 2005, as the same belongs to third parties which is shared by them with NABH. As far as empanelment of hospitals under CGHS scheme is concerned, NABH has entered into MoU with CGHS and is hired as a third party by CGHS to conduct the inspection of hospital on their behalf as per the criteria mentioned in the application form. Since NABH is a third party, seeking information from hospitals for the conduct of inspection and making recommendation for empanelment or otherwise, it may not be appropriate to share the hospital's information.

Observations:

From a perusal of the relevant case records and the submissions of the CPIO, it is noted that the FAA in his order had stated that the copies of Bio- medical waste authorization are part of the Assessment reports and associated documents which contain third party information and are fiduciary in nature, hence exempted from disclosure under Section 8(1) (e) and Section 11 (1) of RTI Act. The FAA in his order had also stated that all such documents are considered as confidential and the same has been mentioned on their website also.

During the hearing, the CPIO also submitted that the documents which are available with them are given to them under a binding contract/MOU that they will not disclose these documents to any person or other Institute and they are therefore, under an obligation not to disclose information submitted to them as these contain personal, confidential and third party information and is kept

in fiduciary relationship with such hospitals and hence the information is exempted from disclosure under Section 8 (1)(e) and 11(1) of the RTI Act.

Decision:

In view of the above, the Commission upholds the oral and written submissions of the CPIO and does not find any scope for further intervention in the matter.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

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A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

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Munirka, New Delhi-110067

Decision no.: CIC/QCIND/A/2019/603506/03315
File no.: CIC/QCIND/A/2019/603506

In the matter of:
Balkishan Sharma

... Appellant

VS

CPIO / Director
Quality Council of India,
ITPI Building 6th Floor, 4 - A, Ring Road,
I P Estate, New Delhi - 110002

...Respondent

RTI application filed on	:	16/11/2018
CPIO replied on	:	30/11/2018
First appeal filed on	:	30/11/2018
First Appellate Authority order	:	08/01/2019
Second Appeal dated	:	26/02/2019
Date of Hearing	:	28/04/2020
Date of Decision	:	28/04/2020

The following were present:

Appellant: Heard over phone

Respondent: Dr Hari Prakash, Director & CPIO, heard over phone.

Information Sought:

The appellant has sought the following information in regard to the National Accreditation Board for Hospitals & Healthcare Providers (NABH)'s certificate given to Meerut Kidney Hospital, Meerut:

1. Copy of the building map approved by the competent authority.
2. Copy of NOC of Fire issued by the competent authority.
3. List of doctors along with their address and mobile number.

4. List of staff with phone number and address.

Grounds for Second Appeal

The CPIO did not provide clear information.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that the desired information has not been provided to him till date.

The CPIO submitted that his organisation has a limited role of inspection and accreditation and while performing such roles and functions, they receive information from different hospitals under an agreement and thus have a fiduciary relationship with such institutes that supply information to them for getting accreditation and it would not be proper to disclose the personal information of the third parties which is shared with them under a binding agreement. He further explained that they are not the regulatory authority but only a voluntary accreditation body and all the requirements and approvals are given by the concerned State government.

At this point, the appellant submitted that when recognition is given by the respondent organisation to a particular hospital, they must ensure that all the requirements are fulfilled by them and as a matter of routine they must have all the approvals and the list of the staff available on their records. Hence, the information may be shared with him.

Observations:

Having heard the submissions of both the parties, it is noted that the appellant is aggrieved with the fact that the desired information was not provided to him. During the hearing, the CPIO submitted that the role of Quality Council of India is limited to give accreditation to the Institutes that apply for the same , they are not the regulatory authority but for the purpose of accreditation they check whether all the desired requirements as per the norms are fulfilled or not and in that course it is not mandatory for them to keep records of every document submitted before them and secondly, the documents which are available with them are given to them under a contract that they will not disclose these documents to any person or other Institute and they are under an obligation not to disclose information submitted to them as these contain personal, confidential and third party information which is exempted from disclosure under Section 8 (1)(j) and 11(1) of the RTI Act, 2005.

The Commission observed that on points no. 1 & 2, since the information is not available with the respondent authority as explained by him during the hearing, no relief can be given to the appellant. However, the appellant is free to approach the concerned Department of the state government from where the concerned hospital has obtained its approval of the building map and the fire NOC. With regard to points no. 3 & 4, it is noted that the order of the FAA claiming exemption u/s 8(1)(j) of the RTI Act is proper as was rightly justified by the CPIO during the hearing.

Decision:

In view of the above, the Commission upholds the oral and written submissions of the CPIO and does not find any scope for further intervention in the matter. The appellant is, however, advised to approach the concerned state government who as per the submissions of the CPIO is the custodian of the desired information as it is the state government that gives approval to the various Institutes/hospitals.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

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A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

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Munirka, New Delhi-110067

Decision no.: CIC/QCIND/A/2017/173562/00387
File no.: CIC/QCIND/A/2017/173562

In the matter of:

Rajkumar Dak

... Appellant

VS

Central Public Information Officer
Quality Council of India (QCI)
2nd Floor, Institution of Engineers Building,
Bahadur Shah Zafar Marg, New Delhi – 110 002

... Respondent

RTI application filed on	:	02/08/2017
CPIO replied on	:	21/08/2017
First appeal filed on	:	31/08/2017
First Appellate Authority order	:	03/10/2017
Second Appeal dated	:	21/10/2017
Date of Hearing	:	04/04/2019
Date of Decision	:	04/04/2019

The following were present:

Appellant: Present

Respondent: Dr Hari Prakash, Director and CPIO

Information Sought:

The appellant has sought the following information:

1. For obtaining NABH certificate from Quality Council of India, a medical institution has to submit a self assessment form. Provide information with regard to questions/point contained in Chapter 1 to 10 of the said form.

2. Whether any accreditation certificate has been issued to SAL Hospital, Drive-in Road, Opp. Doordarshan, Thaltej, Ahmedabad by QCI. Provide details regarding the same.

3. Copies of "Self Assessment" proforma submitted by SAL Hospital.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Submissions made by Appellant and Respondent during Hearing:

The appellant submitted that he is not satisfied with the reply of the CPIO. The self assessment toolkit which the hospitals submit at the primary stage should be made available in public domain.

The respondent submitted that in regard to the self-assessment toolkit, they have a checklist to assess the infrastructure, procedures followed etc. of all hospitals. They cannot share the details as it may prejudice the interest of the third party hospitals. Furthermore, he also submitted that in those cases where the hospitals gave consent to disclose the information, the respondent made those details available on the website. He further reiterated the reply dated 21.08.2017. He summed up stating that the SAL Hospital, Ahmedabad refused to give consent for placing their details in public domain.

Observations:

Based on a perusal of the records, it is seen that the CPIO provided a pointwise reply to the appellant. The reply dated 21.08.2017 is proper. Moreover, the Commission finds no larger public interest involved which could outweigh the exemption provided under Sec 8(1)(j) of the RTI Act to the SAL Hospital, Ahmedabad.

Decision:

In view of the submissions of the CPIO, the Commission finds no scope for any intervention in the matter. The Commission accordingly upholds the submissions of the CPIO. No further action lies.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

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A.K. Assija (ऐ.के. असीजा)

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Munirka, New Delhi-110067

Decision no.: CIC/QCIND/A/2017/606342/00221
File no.: CIC/QCIND/A/2017/606342

In the matter of:

Dr. Rohit Jain

... Appellant

VS

Director/Central Public Information Officer
Quality Council of India,
2nd Floor, Institution of Engineers Building,
Bahadur Shah Zafar Marg, New Delhi – 110 002

... Respondent

RTI application filed on	:	25/08/2017
CPIO replied on	:	11/09/2017
First appeal filed on	:	12/09/2017
First Appellate Authority order	:	25/09/2017
Second Appeal dated	:	11/10/2017
Date of Hearing	:	11/03/2019
Date of Decision	:	11/03/2019

The following were present:

Appellant: Not Present

Respondent: Hari Prakash, Director & CPIO, Quality Council of India and Alok Jain, Joint Director & CPIO, Quality Council of India

Information Sought:

1. A certified copy of policies and standard operating procedures laid down by NABL in compliance/conformity with
a) MCI letter No. MCI 211(2)(Gen.)2014 Ethics/118642 June 14,2017.

- b) MOHFW letter No. V.11025/01/2016 MEP(Pt.VI) dated 26th December 2016 signed by Shri Amit Biswas, Under Secretary to Govt. of India.
- c) Clinical Establishment (Registration and Regulations) Act, 2010 clause 5.5 CEA 026.
- d) Supreme Court of India Judgement 1996 AIR 2073, JT 1996(1) 634.
- e) NABH: Essential standards of Medical laboratories for accreditation of medical laboratories in India.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Submissions made by Appellant and Respondent during Hearing:

The CPIO reiterated the reply dated 11.09.2017 and submitted that an appropriate reply was already provided to the appellant. He further submitted that the respondent department did not have any specific policies and SOP as asked for in the RTI Application. He also submitted that on 19.02.2019 a similar RTI Application was heard by the Commission in file No. CIC/QCIND/A/2017/604521 in which also the appellant was not present during hearing. He has further submitted that the appellant is a habitual RTI applicant and as of now about 23 RTI Applications have been filed by the Appellant asking for more or less the same information. He requested the Commission to advise the appellant to refrain from filing repeated RTI Applications which disproportionately divert the human resource of the Public Authority.

Observation:

The appellant was not present to contest the CPIO's submission. The Commission noted the fact that the appellant is not turning up for hearings despite duly served notices. It is also pertinent to mention that while the appellant has the right to Information, there is also a concurrent duty as a citizen to refrain from wasting the precious time and resources of the Commission as well as of the Public Authority.

Decision:

In view of the above discussion, the Commission upholds the reply of the CPIO as well as advises the appellant to utilise the RTI mechanism in a constructive manner in the letter and spirit of the Act.

The Appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

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A.K. Assija (ऐ.के. असीजा)

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Munirka, New Delhi-110067

Decision no.: CIC/QCIND/A/2017/160502/00126
File no.: CIC/QCIND/A/2017/160502

In the matter of:

Jai Prakash Upadhyay

... Appellant

VS

Director/ CPIO
Quality Council of India
2nd Floor, Institution of Engineers Building
Bahadur Shah Zafar Marg,
New Delhi – 110 002

... Respondent

RTI application filed on	:	27/03/2017
CPIO replied on	:	28/04/2017
First appeal filed on	:	06/05/2017
First Appellate Authority order	:	06/06/2017
Second Appeal dated	:	18/08/2017
Date of Hearing	:	20/02/2019
Date of Decision	:	20/02/2019

The following were present:

Appellant: Not Present

Respondent: Shri Jagminder Kataria, Deputy Director, Quality Council of India, representative of the CPIO.

Information Sought:

The appellant has sought the following information in respect of MB and Sons Pvt. ITI, Singhapur, SRN Bhadohi, Teh – Aurai Dist – SRN Bhadohi, U.P.:

1. List containing details of staff in the institute.

2. Copy of the CD provided by the institute
3. Receipt of machineries provided by the institute.
4. Details of infrastructure provided by the institute

Grounds for Second Appeal

The CPIO did not provide the desired information.

Submissions of the appellant and respondent during hearing:

The CPIO submitted that an appropriate reply has been provided to the Appellant on 28.04.2017.

Observations:

From a perusal of the relevant case records, it was noted by the Commission that a similar matter of the same Appellant has already been decided by the Commission in File No. CIC/QCIND/A/2017/158735 dated 05.02.2019. The information sought by the Appellant is the same as sought in the above mentioned file. However, the only difference is that the name of the institutes are different as the name of the institute in the instant matter is MB and Sons Pvt. ITI and the name of the institute in the earlier decided matter was VR Private Industrial Training Institute.

On a perusal of the record and based on submissions of the Respondent during hearing, it is observed by the Commission that the CPIO in his reply denied the information on point no. 2 of the RTI application by merely claiming it as confidential and without invoking the appropriate exemption clause under the RTI Act, which was not proper. The reply in respect of points no. 1, and 3 of the RTI application is proper. Moreover, information sought on point no. 4 of the RTI application is of general nature and hence the CPIO's reply is considered appropriate.

It is pertinent to mention here that CPIO in his reply dated 28/04/2017 had not denied the information in respect of point no. 2 of the RTI application under any of the exemption clauses, rather, he claimed that the CD is confidential as it is a part of the assessment report.

Decision

The Commission observed that the disclosure of infrastructure details of a private institute constitutes personal information of that institute. Moreover, the appellant was not present to contest the CPIO's submission or to plead his case. Consequently Sec 8(1)(j) exemption claimed by the CPIO during the hearing is upheld.

The appeal is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

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A.K. Assija (ऐ.के. असीजा)

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