

CENTRAL INFORMATION COMMISSION

**Baba Gang Nath Marg,
Munirka, New Delhi -110067
Tel : +91-11-26186535**

Appeal No. CIC/BATRC/A/2017/107659

Appellant: Sh. Rajesh Shantaram Rediz,
Respondent: Central Public Information Officer
Chief Admn. Officer (A),
Bhabha Atomic Research Centre,
Central Complex,
3rd Floor, BARC Trombay,
Mumbai-400085
Date of Hearing: 03.01.2018
Dated of Decision: 03.01.2018

ORDER

Facts:

1. The appellant filed RTI application dated 12.08.2016 seeking information regarding: medical files of his father (CHSS no. 8/1824-A); detailed medical records of the treatment of his father including x-ray reports, ECG, etc.
2. The CPIO responded on 06.09.2016. The appellant filed first appeal on 04.10.2016 with the First Appellate Authority (FAA). The FAA responded on 18.11.2016. The appellant filed second appeal on 06.02.2017 with the Commission on the ground that information should be provided to him, compensation should be given to him and penalty should be imposed on the respondent.

Hearing:

3. The respondent participated in the hearing through VC. The appellant was absent.

4. The respondent had sent their written submissions dated 01.01.2018, which is taken on record.
5. The respondent stated that vide their reply dated 06.09.2016, they have informed the appellant that he may contact AO III, Medical Division, BARC Hospital and follow the well laid procedure in BARC Hospital for obtaining the concerned records.
6. The respondent stated that in order to obtain the documents, fee of Rs.3/- per page towards photocopy charges should be given.

Discussion/ observation:

7. The Commission observed that the reply given by the respondent in denying the information is not sustainable, since as per the RTI Act, they are not required to call the appellant to the hospital for getting information and they cannot ask him to follow their own procedure for obtaining the records. As per Section 22 of the RTI Act, the provisions of this Act will have effect notwithstanding anything inconsistent in any law and will prevail over any rule, regulation or bye law. The Commission further observed that the rules regarding the photocopy charges (Rs. 3/- page) by the hospital are inconsistent with the Rules under the RTI Act regarding the photocopy charges (Rs. 2/- page).
8. The appellant had sought for information regarding his deceased father's medical record. The respondent should provide complete medical file/records of Late Sh. Shantaram Ramchandra Rediz (father of the appellant) to the appellant, free of cost, due to delay in giving information.

Decision:

9. The respondent is directed to comply with para no. 8 above, within 15 days of receipt of this order.
 10. The respondent is directed to bring their procedure and charges in line with RTI Act and Rules made thereunder.
- The appeal is disposed of. Copy of the decision be given free of cost to the parties.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar