

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2020/103188**

ShriRajesh ShantaramRediz

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO, Bhabha Atomic Research Centre (Mumbai)
Through: Shri Shriram S - CAO

...प्रतिवादीगण / Respondent

Date of Hearing : 18.08.2021
Date of Decision : 19.08.2021
Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 28.06.2019
PIO replied on : 31.07.2019
First Appeal filed on : 25.08.2019
First Appellate Order on : 09.10.2019
2ndAppeal/complaint received on : 17.01.2020

Information sought and background of the case:

The Appellant filed an RTI application dated 28.06.2019 seeking details of medical treatment administered to his father Late Shri Shantaram Ramchandra Rediz, when he was admitted at BARC on 24.07.2016 and passed away within 24 hrs. Some of the information sought by the Appellant are as under:

- 1. Please specify as to what was the time when my father was brought to the casualty of BARC hospital, what was the time when he was first attended to by the doctor? What were the vital signs recorded in casualty? What was the prognosis/diagnosis of doctor at the time of admission? Please provide name of the doctor who attended to him in casualty. What was the time when he was shifted to ward IV-B?*
- 2. What was the prognosis/diagnosis of the doctor in ward IV-B? What were the vital signs recorded in ward IV-B on 24.07.2016 & 25.07.2016. Please provide documents in support of treatment given in the ward. Please provide names of the doctors who attended to him in ward IV-B.*
- 3. Please provide name of the doctor who took a decision to send my father for brain CT scan on 25.07.2016. Please provide documents in support of such decision.*

4. Please provide copy of the report of the doctor who examined him prior to the cancellation of brain scan. Please provide documents insupport of cancellation of brain CT scan. At what time was the decision taken to cancel the brain CT scan?
5. Please provide name of the nurse who was on duty inward IV-B in the evening of 25.07.2016 and had recorded the bp of my father around 4.30 pm ETC.

The PIO/ Chief Administrative Officer (A) vide letter dated 31.07.2019 provided some available information about the vital signs of the patient when he was brought into the hospital. But part of the queries relating to name of doctor and nurse who treated the patient was denied citing exemption under Section 8(1)(e) & (g) of the RTI Act, 2005.

Dissatisfied with the response received on point nos. 7, 8 & 9 from the CPIO, the Appellant filed a First Appeal dated 25.08.2019. The FAA/ Controller vide order dated 09.10.2019 stated as under:-

Point Nos. (7) & (8) of the RTI application : It is observed that CPIO has provided the available information.

Point No. (9) of the RTI application : It is informed that Shri Rediz was attended by a team of doctors including nurses, work assistants, etc. The details of doctors and nurses are held under fiduciary relationship and disclosure of the same may endanger the life and physical safety of the individual concerned. Hence, the PIO has correctly exempted the information under section 8(1)(e) and 8(1)(g) of the RTI Act, 2005.

Therefore I uphold the reply given by CPIO, BARC.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A written submission has been received from CPIO, BARC vide letter dated 13.08.2021, reiterating the aforementioned facts. It has also been contended by the Respondent that 445 pages of information including all available medical records pertaining to the deceased father of the Appellant, had been provided to the Appellant on 24.01.2018 in compliance of another decision of the Commission [CIC/ BATRC/ A/ 2017/ 107659 dated 03.01.2018].

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearing through video conference was scheduled after giving prior notice to both the parties. Respondent alone is present for the video conference while the Appellant has neither attended the hearing through video conferencing nor explained the cause of his absence. Respondent placed reliance on the written submissions placed on record emphasising that all the information which is available on record and permissible under the RTI Act has been made available to the Appellant.

Decision:

On examining the facts of the case, it is noted that the only information which has not been provided to the Appellant pertains to the names of the doctor and

