

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

शिकायत संख्या/Complaint No.: **CIC/NMCOM/C/2022/633889**

**Dr. Mohamed Khader Meeran A. S.**

...शिकायतकर्ता/Complainant

VERSUS/बनाम

**Public Information Officer Under RTI,**  
Under Secretary-(A) & CPIO, National Medical  
Commission (formerly Medical Council of India),  
Administration Section, Pocket-14, Sector-8,  
Dwarka, Phase-I, New Delhi-110077.

...प्रतिवादीगण/Respondents

**Relevant facts emerging from Complaint:**

RTI application filed on	:	09.03.2022
CPIO replied on	:	13.06.2022
First appeal filed on	:	Not on record
First Appellate Authority order	:	Not on record
Complaint received at CIC	:	22.06.2022
Date of Hearing	:	28.03.2023
Date of Decision	:	28.03.2023

सूचना आयुक्त : श्री हीरालाल सामरिया  
Information Commissioner : Shri Heeralal Samariya

**Information sought:**

The Complainant sought following information:

Background : as the previous medical council india was scrapped by National Medical commission on 25th september 2020, previous MCI website was replaced by NMC website in new domain. With this, data/documents uploaded by erstwhile Medical council of india was removed. College assessment reports of every medical college was used to be uploaded by medical council of india every academic year. After NMC took charge, it has removed previous academic year college assessment reports (infrastructure and related assessment according to Minimum standard requirements) from MCI website. and also NMC is not uploading medical college assessment reports for current academic years in its website. provide me the following information with this background

1. If any policy decision was taken by National Medical Commission, not to disclose medical college assessment reports in its website, provide me the copy of document which depicts the above stated policy decision

2. If any order/direction/advisory is received from Union Ministry for Health and Family Welfare, not to disclose medical college assessment reports in NMC website, provide me the copy of order/direction/advisory

3. If any order/direction/advisory is received from Prime Minister Office, not to disclose medical college assessment reports in NMC website, provide me the copy of order/direction/advisory

4. If any decision is taken by National Medical Commission (or by various boards of NMC), not to upload Medical College assessment reports in official website of NMC, provide me the attested copy of minutes of meeting, for the meeting in which the decision was taken

- CPIO furnished reply, dated 13.06.2022, as under:

**Reply :- Pt. No. 1 to 4 - No such directions/order/advisory has been found on record.**  
**Pt. No. 5 - The information sought is very voluminous and scattered in various files. It would disproportionately divert the resource of MARB of NMC.**

- Dissatisfied with the information furnished, Complainant filed instant complaint.
- Written submission has been received from the appellant vide letter dated 20.03.2023.

Respected Sir,

**Subject: Submitting written arguments on my complaint (File No: CIC/NMCOM/C/2022/633889) for the hearing to be held on 28<sup>th</sup> March 2023.**

I am submitting the following written arguments along with necessary enclosures. First appellate authority's order was issued few months after I had submitted my complaint, to the Central Information Commission. Hence, for your record I am submitting the first appellate authority's order also along with these written arguments.

**Summary of events related to this RTI Application:**

Date of filing RTI application to CPIO	9 <sup>th</sup> March 2022
Date of filing First appeal	25 <sup>th</sup> April 2022
Date of reply from CPIO	13 <sup>th</sup> June 2022
Date of filing the Complaint to Central Information Commission (CIC)	21 <sup>st</sup> June 2022
Date of reply from First appellate authority	6 <sup>th</sup> October 2022

**CIC File No:** CIC/NMCOM/C/2022/633889 | **Petitioner:** Dr. Mohamed Khader Meeran A.S

**Respondent:** Central Public Information Officer under RTI, Under Secretary-(A) & CPIO, National Medical Commission (formerly Medical Council of India), Administration Section, Pocket-14, Sector-8, Dwarka, Phase-I, New Delhi-110077.

**Grounds for complaint:**

- i. Not replied within 30 working days
- ii. **Non-Compliant to the previous order of Central Information Commission**
- iii. **Not disclosed Proactive disclosure mandated by Section 4 of Right to Information Act**
- iv. False information provided to my RTI application

**Arguments:**

1. The Central Public Information Officer (CPIO) failed to respond to my RTI application, within 30 working days' time limit mandated by Right to Information Act (2005).
2. National Medical Commission (NMC) is the public authority, which inspects medical colleges during every academic year and checks whether these colleges are having sufficient infrastructure, number of teaching faculties, maintenance of equipment's etc against the 'Minimum Standard Requirements' Regulations prescribed by the National Medical Commission. Based on the observations made during inspection, NMC prepares assessment reports every year for each medical college. Based on that report, approval/recognition for the medical college is given for the respective academic year. Hence, these assessment reports are public document under Section 4 (1)(b) of Right to Information Act, and it is supposed to be pro-actively disclosed by CPIO of NMC.
3. These reports are having huge public importance. Disclosing these reports are the only way through which, standards of each medical college hospital, additional facilities done by the medical college etc could be known by the aspiring medical students, who are looking for admission into medical courses. Further, these assessment reports are directly related to standard of education provided in various medical colleges & quality of doctors passing out from those colleges. Hence, these assessment reports are **related to overall 'public health' of the nation**, in general.
4. Recognizing/ Derecognizing any medical college/institution is a decision of National Medical Commission taken for every academic year based on these assessment reports of medical colleges. **Under RTI act Section 4** ( Precisely Sections 4(1)(b)(iii), (v) & (xiv); Section 4(1)(c) ) CPIO of NMC is bound to 'pro-actively' disclose the procedure followed in the decision-making process of recognizing/derecognising medical colleges. However, CPIO & First appellate authority of NMC has not acted according to the mandate of RTI act.
5. Further, Central Information Commission has already decided that, these medical college assessment reports are public documents and ordered the Medical Council of India to disclose the assessment reports of medical colleges. (Through decision **CIC/SG/C/2011/001383/16626**, in the complaint No. **CIC/SG/C/2011/001883** on 28/12/2011.)
6. National Medical Commission (NMC) is the legal successor of Medical Council of India (MCI) under Section 60(1) of National Medical Commission Act (2019). Hence, The order issued by Central Information Commission to MCI, for disclosing assessment reports of medical colleges **are binding to National Medical Commission's CPIO as of today**.
7. **Till date the above-mentioned order of Central Information Commission is not challenged by Medical Council of India & National Medical Commission in the court of law. Hence, the order issued by CIC for disclosing assessment of medical colleges are still valid and it is binding to the National Medical Commission's CPIO.**
8. **The CPIO of National Medical Commission has also removed the medical college assessment reports of all medical colleges, which were earlier uploaded by Medical Council of India, from its official website. Thus, the CPIO is non-compliant to CIC's above-mentioned order.**
9. Further National Medical Commission Act (2019) , **Section 60(2)(b & d)** clearly states that National Medical commission act **will not affect obligations** acquired by Medical Council of India. That means no exemption is given by National Medical commission by NMC act while repealing the Indian medical Council Act (1956) with regards disclosing medical college assessment reports.

Excerpts from National Medical Commission Act (2019)

60. (1) With effect from such date as the Central Government may appoint in this behalf, the Indian Medical Council Act, 1956 shall stand repealed and the Medical Council of India constituted under sub-section (1) of section 3 of the said Act shall stand dissolved.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1), **it shall not affect,—**

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, **obligation** or liability acquired, accrued or incurred under the Act so repealed; or

(c) any penalty incurred in respect of any contravention under the Act so repealed; or

(d) **any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Act had not been repealed.**

61. (1) The Commission shall be the successor in interest to the Medical Council of India including its subsidiaries or owned trusts and all the assets and liabilities of the Medical Council of India shall be deemed to have been transferred to the Commission.

10. Further CPIO's RTI reply dated 13<sup>th</sup> June clearly states that no policy decision taken by National Medical Commission, Union Ministry of Health and Family Welfare etc for not to disclose medical college assessment reports to the general public. Even though, no formal decision is taken in this regard, CPIO has failed to obey CIC's orders to upload Medical college assessment reports in official website of NMC & Failed to act in accordance with his legal duties under Section 4 of Right to Information Act.
11. For Point No 5 of my RTI application, CPIO replied that the information sought by me "is very voluminous and **scattered in various files**". National Medical Commission's Secretary has replied to my representation (**ANNEXURE IV** | PMO portal Registration No: PMOPG/E/2022/0083610) that "A decision is being taken by the Board in respect of disclosing Assessment Reports of medical colleges on the website of NMC". This reply itself proves that, Medical College assessment reports exists in National Medical Commission; and it is **not scattered in various files**.

12. The decision of Hon'ble Supreme Court of India in **Chief Information Commissioner and Another v. State of Manipur and Anr.** in Civil Appeal Nos. 10787-10788 of 2011 dated 12-12-2011 does not restrict the Information Commission (SIC/CIC) from ordering a 'public authority' to disclose some information based on its previous orders/decisions. Also, CIC has already accepted the fact that these medical college assessment reports are having public importance and these are public document, through its earlier order dated 28/12/2011

The above points are sufficient to prove that CPIO of National Medical Commission has acted with vested interest and denied information to me **with a malafide motive & destroyed the digitised information** related to medical college assessment reports from official website of NMC. Further, the CPIO has failed to fulfil the duties/responsibilities prescribed under Section 4 of Right to Information Act(2005). These are offences sufficient to take disciplinary action under Section 20 of Right to Information Act, according to the service rules applicable to him/her & levy penalty to him/her.

Hence, I request you to,

1. Issue orders to CPIO of NMC, to disclose all mandatory disclosures under Section 4(1)(b) of Right To Information act in National Medical Commission's Website
2. Issue orders to CPIO of NMC, to upload Medical college infrastructure assessment reports in NMC's official website for all academic years. (including previous reports published by Medical Council of India)
3. Levy Penalty on the CPIO & First appellate authority of National Medical Commission for not responding to my RTI application within stipulated time prescribed by Right to Information Act; and also for not performing their legal duties mandated by RTI act and NMC Act
4. Take departmental/disciplinary action on CPIO and First appellate authority of National Medical Commission for denying the information to me with a malafide intent
5. Issue orders to CPIO of NMC, to provide the information I sought in my original RTI application
6. Issue orders whichever deems fit to render justice and uphold provisions of Right to Information Act

- Written submission has been received from the CPIO vide letter dated 21.03.2023.


Sir,

I am directed to refer to your letter No. CIC/NMCOM/C/2022/633889 dated 2<sup>nd</sup> March, 2023 on the subject cited above and to submit that there is no change in the status relating to point No. 2-4 raised by the applicant in his Appeal.

2. Further, with regard to point No. 1 relating to policy decision taken by National Medical Commission (NMC), not to disclose assessment reports of the Medical Colleges on its website was on account of Thirty Party Information. However, it may be add here that NMC is reviewing its policy relating to disclosure of assessment report at the highest level and the same will take some time since the decision is to be taken in consultation with various quarters involved in the matter.

3. It is again reiterated that the information sought under point No.5 by the applicant is very voluminous and scattered in various files and hence it would disproportionately divert the resources of Medical Assessment and Rating Board of National Medical Commission. However, in case the NMC decides to disclose the Assessment Report of the Medical Colleges, it will be uploaded on its website and the same can be downloaded from there itself.

Yours faithfully,

  
21/3/2023

## **Grounds for Complaint**

The PIO has not provided information to the Complainant.

## **Relevant Facts emerging during Hearing:**

The following were present: -

**Complainant:** Present

**Respondent:** Absent

Appellant has submitted that he has not received the information. He further retired the factual matrix of his case. He further requested the Commission to direct the CPIO to furnish the relevant information.

## **Decision:**

Commission takes very strong exception of non-attendance of PIO during the hearing of Second Appeal. PIO is hereby directed to file a written explanation justifying the said conduct, failing which an action under Section 20(1) and 20(2) of the RTI Act will be initiated against him/her, if necessary. PIO is further directed to send copy of supporting documents on which he relies upon in his submission as well as copy of reply sent on the RTI Application, if any.

**PIO is directed to ensure that his written submission reaches the Commission within 30 days from the date of receipt of this order, failing which *ex-parte* action will be initiated against him/her.**

The Commission has gone through the case records and on the basis of proceedings during hearing observes that point wise reply was provided to the complainant by the CPIO. The Commission therefore does not find any malafide intention on the part of then CPIO.

Further, the complainant has preferred complaint u/s 18 of the RTI Act and if the complainant is aggrieved with the reply provided by the respondent, then he could have approached the Commission by filing an appeal. The Commission therefore is unable to adjudicate the adequacy of information to be disclosed under section 18 of the RTI Act. Thus, the limited point to be adjudicated in these complaints' u/s 18 of RTI Act is whether the information was denied intentionally.

In the light of the above observations the Commission is of the view that there is no malafide denial of information on the part of the concerned CPIO.

Further the Commission advises the respondent to upload medical college assessment reports for the current academic years on their website. Hence no further action lies.

**The Complaint is disposed of accordingly.**

**Heeralal Samariya (हीरालाल सामरिया)**  
Information Commissioner (सूचना आयुक्त)

Authenticated true copy.  
(अभिप्रमाणितसत्यापितप्रति)

Ram Parkash Grover (राम प्रकाश ग़ोवर)  
Dy. Registrar (उप-पंजीयक)  
011-26180514

