

RTI FIRST APPEAL CASE
MOST URGENT

To,
Dr. (Mrs.) Reena Nayar,
Additional Secretary (Secretary I/C),
Medical Council of India, Pocket 14 Sector -8,
Dwarka Phase I, New Delhi – 110077.

Date: 15.08.2017

Sub: First appeal under 'Section – 19' of the Right to Information Act, 2005.

Madam,

This is to draw your attention towards the following facts:

1. That I had submitted an online application under 'Section – 6' of Right to Information, 2005 vide registration number **MEDCI/R/2017/50709** dated 09.07.2017 which was transferred to the Deputy Secretary , Ethics for disposal under 'Section -7' of the Right to Information Act, 2005. A photocopy of the said RTI application and the said letter of the Dy. Secretary (G) & APIO are collectively annexed hereto and marked as 'Annexure - A' for your perusal.
2. That, on 28.07.2017 the online request was disposed of with a reply on RTI Online Portal , "Reply will be sent by post shortly along with the relevant documents." But till date the said replies have neither been uploaded in the Online RTI portal, nor have they been sent to me by Post.
3. **That, the PIO(s) have not furnished me the replies within the time frame as stipulated under 'Section -7' of the Right to Information Act, 2005 and thereby have deliberately, knowingly and malafidely defied the provisions of an act passed by the Hon'ble Parliament of India.**
4. That, the queries as so sought for by me constitute "information" as per the Section 2(f) of the Right to Information Act, 2005.
5. That, the PIOs have failed to appreciate the fact that our country is governed by the principles of 'Rule of Law'. No public authority, howsoever high he/she may be, can claim to be above the law of the land.
6. That, the disposal of request under 'Section – 7' of the Right to Information Act, 2005 is a statutory duty enjoined upon the PIO in their personal capacity. This is not just an administrative duty which they can bunk with impunity.
7. That, withholding of information on the part of the PIOs is not only illegal and unjustified but also amounts to an outrage and onslaught of my fundamental rights as guaranteed under Articles 19(1) (a) and 21 of the Constitution of India.

8. That, I am sure that the service conduct rules of your department must have classified transgression of the law of the land and breach of fundamental rights of the citizens as a gross misconduct. The PIOs have therefore rendered themselves liable and answerable before the department through departmental action.
9. That, considering the above facts and circumstances, you as the First Appellate Authority under 'Section – 19' of the Right to Information Act, 2005 are duty bound to take immediate cognizance of the subject matter and not only ensure immediate disclosure of the information as so sought for by me but also initiate proper penal action against the erring PIOs who have transgressed the law of the land and refused to carry out their duties.
10. That, I would also draw your attention towards the order of the Hon'ble Central Information Commission in the matter of **Mr. R.K. Jain Vs Department of Legal Affairs, Government of India** (File No.CIC/SA/A/2014/000254) where the Hon'ble commission has held that passing orders in first appeal without hearing or sending hearing notice is illegal and will render the order invalid.

Awaiting Reply,

Yours sincerely,

Rana Pratap Singh

(Rana Pratap Singh)

Address:

2nd Floor of Palpara Telephone Exchange,
Ghoshpara, Bally, Howrah – 711227. (WB)

Contact:

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Annexure – A

RTI MATTER/ URGENT

To,
The Deputy Secretary Ethics &
Public Information Officer,
Medical Council of India,
Pocket 14 Sector -8,
Dwarka Phase I,
New Delhi – 110077.

Sub: Information sought under 'Section – 6' of the Right to Information Act 2005.

Dear CPIO,

Keeping in view the **Right to Information Act, 2005** and my rights guaranteed under Article 19(1) (a) and 21 of the Constitution of India, please provide the following informations apropos to the appeal dated 28.02.2015 filed by Sh. Ranjit Sarkar against Dr. Ravi G Bharadwaj, Dr. Prasenjit Sarkar, Dr. Debraj Roy, Dr. Prosun Halder, Dr. Atul Bajpayee and Dr. Anirban Sarkar U/S 8.7 of the Indian Medical Council (Professional conduct Etiquette and Ethics) Regulations, 2002:

1. The correspondences in Complete between West Bengal Medical Council and Medical Council of India in the aforementioned appeal and/or case.
2. Names of the members of the Ethics committee and the deliberations in complete held on 27th and 28th of Feb, 2017 in the aforementioned appeal and/or case.
3. Minutes of deliberations between Sh. Ranjit Sarkar and the Ethics committee members in the aforementioned appeal and/or case.
4. Video recording, if any, between the aforementioned doctors and the committee members.
5. Written Statements and/or documents submitted by the aforementioned doctors in their defense.

Please note that:

- I have paid the RTI fees of Rs 10/- through online payment mode.
- I am a Citizen of India and I am seeking this information as a 'Citizen'.
- Please provide me the information "**as expeditiously as possible**" as specified under section 7(1) of RTI Act, 2005.
- I am ready to bear any further cost which may arise while providing the information.

Awaiting Reply,

Rana Pratap Singh

(Rana Pratap Singh)

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