

# CENTRAL INFORMATION COMMISSION

Room No. – 308, 2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi – 110066.  
Website: cic.gov.in

Files No. CIC/SS/C/2012/900014/KY

CIC/SS/C/2012/000352/KY

Complainant : Mr. C J Karira  
Plot No. 26, Road No. 1, Balamrai Society,  
Mahendra Hills, Secunderabad-500026

Public Authority : The CPIO  
National Accreditation Board for Hospitals & Healthcare Providers  
(NABH), Quality Council of India, 2nd Floor, Institution of Engineers  
Building, Bahadur Shah Zafar Marg, New Delhi-110002

Date of Hearing : 19.09.2016  
Date of Decision : 19.09.2016

## **Presence:**

Complainant : Mr. C J Karira, Heard Trough **Video Conferencing**  
CPIO : Mr. B K Rana, Director & CPIO

## **A) FACTS of File No. CIC/SS/C/2012/900014/KY:**

- I. Vide RTI application is not on record.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **22.11.2011**, are contained in the Memorandum of Complaint.

## **B) FACTS of File No. CIC/SS/C/2012/000352/KY:**

- I. Vide RTI application is not on record.
- II. CPIO, response is not on record.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **26.01.2012**, are contained in the Memorandum of Complaint.

## HEARING

Complainant was heard through Video-Conferencing. Respondent appeared before the Commission personally and made the submissions at length.

## DECISION

At the outset, it is stated here that the captioned files bearing no. **CIC/SS/C/2012/900014/KY & CIC/SS/C/2012/000352/KY**, were kept pending for the hearing by the former Sub-Registry concerned, for the reasons best known to them. However, as per the new allocation order issued by the administration of CIC with the approval of then Hon. CIC, the public authority concerned were transfer to this Sub-Registry on **24.06.2015**, but the physical files including these two files were not made available to this Sub-Registry for necessary action in this regard, despite of repeated requests in writing. Furthermore, the pending files with other sub-registries including these two files were made physically available to this Sub-Registry only on **04.07.2016 & 28.04.2016 respectively** and the Hearing Notices were issued to the concerned parties on 05.09.2016 for hearing the concerned parties before disposing the same.

2. During hearing of the case, it is submitted by Mr. B K Rana, Director & CPIO, that Quality Council of India and National Accreditation Board for Hospitals & Healthcare Providers are two different organizations. It is further submitted by Mr. B K Rana, Director & CPIO, that National Accreditation board for Hospitals & healthcare Providers (NABH) is an autonomus body and does not falls within the four corners of **Public Authority** as defined under **section 2(h) of the RTI Act 2005**.
3. However, the Commission further feels that it was complainant's duty to argue and prove that "**National Accreditation board for Hospitals & healthcare Providers (NABH)**" does fall under the four corners of **Public Authority** as defined under **section 2(h) of the RTI Act 2005**. However, Mr. C J Karira **miserably failed** to prove that "NABH" does fall under the four corners of **Public Authority** as defined under **Section 2(h) of the RTI Act 2005**. However, the complainant has been insisting that NABH should be directed to complete **its portal u/s 4(1)(b) of the RTI Act 2005** and also to proceed under provisions of IPC (not RTI Act) for violation of Hon. CIC's earlier order dated **15.11.2010, though he has not submitted any copy of such order, before this Commission for its perusal & consideration**.
4. Apart from above, it is further submitted by Mr. C J Karira, Complainant, that he has **neither filed any RTI application before CPIO nor filed any First Appeal before Learned First Appellate Authority**. It is again submitted by him that he has **directly filed his Complaints dated 22.11.2011 & 26.01.2012, under section 18(1)(f) of the RTI Act 2005**, before this Commission with the following prayer:

### **In Complaint dated 22.11.2011**

- a. Vide powers vested in the Hon'ble Commission, under section 19(8) of the RTI Act, to direct the Quality Council of India, New Delhi, to secure compliance with provisions of the RTI Act, especially suo-moto disclosure under Section 4(1) (b).
- b. To direct the Quality Council of India to abide by the above mention directive and immediately appoint a "Transparency officer".
- c. To direct the Quality Council of India to immediately modify the contents of its website vis a vis the RTI Act and bring it into conformity of the RTI Act by publishing information prescribed in sec 4(1)(b)(i) to 4(1)(b)(xvii).
- d. To inquire into this willful and malafied disobedience of the CIC's directives by the Quality Council of India and fix responsibility as to which public servants in the public authority, were responsible for willfully disobeying this directive of the CIC.
- e. To initiate prosecution proceedings under **Section 166, 187 and 188 of the IPC**, against the public servants in the Quality Council of India, who have willfully **disobeyed and disregarded this directive of the CIC**.
- f. To pass any other orders that the Commission may deem fit.

### **In Complaint dated 26.01.2012**

- g. Vide powers vested in the Hon'ble Commission, under section 19(8) of the RTI Act, to direct the National Accreditation board for Hospitals & healthcare Providers (NABH), New Delhi, to secure compliance with provisions of the RTI Act, especially suo-moto disclosure under Section 4(1) (b).
- h. To direct the National Accreditation board for Hospitals & healthcare Providers (NABH) to abide by the above mention directive and immediately appoint a "Transparency officer".
- i. To direct the National Accreditation board for Hospitals & healthcare Providers (NABH) to immediately modify the contents of its website vis a vis the RTI Act and bring it into conformity of the RTI Act by publishing information prescribed in sec 4(1)(b)(i) to 4(1)(b)(xvii).
- j. To inquire into this willful and malafied disobedience of the CIC's directives by the National Accreditation board for Hospitals & healthcare Providers (NABH) and fix responsibility as to which public servants in the public authority, were responsible for willfully disobeying this directive of the CIC.

- k. To initiate prosecution proceedings under Section 166, 187 and 188 of the IPC, against the public servants in the National Accreditation board for Hospitals & healthcare Providers (NABH), who have willfully disobeyed and disregarded this directive of the CIC.
  - l. To pass any other orders that the Commission may deem fit.
5. For the purpose of clarity, it would be appropriate to quote the relevant section of the RTI Act 2005 i.e. **Section 18(1)(f) of the RTI Act 2005**, under which the complainant has filed his complaint, which reads as under:

**Section 18(1)(f)-** Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, **to receive and inquire into a complaint from any person – in respect of any other matter relating to requesting or obtaining access to records under this Act.**

6. By virtue of the contents of relief sought by the complainant and the wordings of Section 18(1)(f) of the RTI Act 2005, it is amply clear that before filling the aforesaid complaints, the Complainant failed to **submit any written application (RTI)** before same (NABH) to receive and inquire into a complaint from any person in respect of any other matter relating to requesting or obtaining access to records under this Act. As such, **how it may be legally inferred that there was violation of the criterion** as mentioned above under section 18(1)(f) of the RTI Act 2005. Thus, the Complainant's Complaints **seem to be not legally tenable.**
7. Apart from above, it is also stated here that as per Rule 8 i.e. RTI Rule 2012 framed under the provisions of RTI Act 2005, it is mandatory on the part of appellant to submit certain copy of documents along with the petition, which reads as under:
- i) a copy of the application submitted to the Central Public Information Officer
  - ii) a copy of the reply received, if any, from the Central Public Information Officer;
  - iii) a copy of the appeal made to the First Appellate Authority
  - iv) a copy of the Order received, if any, from the First Appellate Authority
  - v) copies of other documents relied upon by the appellant and referred to in his appeal
  - vi) an index of the documents referred to in the appeal
8. By virtue of position above, there appears that complainant failed to comply the rules above, as he has not **annexed the necessary documents** at the time of filing of his

Complaints dated **22.11.2011 & 26.01.2012** before this Commission i.e. Hon. **CIC's earlier order dated 15.11.2010** etc, for the reasons best known to him. Thus, the Commission finds that there was complete **violation** of Rule 8 of RTI Rule 2012 framed under the provisions of RTI Act 2005.

9. In view of the position above and in the circumstances of the case, the Commission feels that the instant complaints are **not legally maintainable** in the eyes of Law and deserves to be dismissed. Therefore, these are hereby dismissed.

The Complaints are dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)  
Deputy Secretary

The CPIO  
National Accreditation Board for  
Hospitals & Healthcare Providers (NABH),  
Quality Council of India, 2nd Floor,  
Institution of Engineers Building,  
Bahadur Shah Zafar Marg, New Delhi-110002

Mr. C J Karira  
Plot No. 26, Road No. 1, Balamrai Society,  
Mahendra Hills, Secunderabad-500026