



Ms. X D/o Late Sh Rajinder Singh,
VPO Paddi Jagir, Tehsil Phillaur,
Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Civil Hospital,
Jalandhar.

First Appellate Authority,
O/o Civil Hospital,
Jalandhar.

...Respondent

Appeal Case No. 5004 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 09.06.2021, has sought information on 06 points regarding a copy of admission form of Rajinder Singh s/o Nirmal Singh, patient of art center & de-addiction center – medical record/all test reports/ medicines record/ prescription slip and other information as enumerated in the RTI application from the office of Civil Surgeon, Jalandhar. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 17.07.2021, which did not decide on the appeal.

The case last came up for hearing on 07.06.2022 through video conferencing at DAC Jalandhar. The respondent present pleaded that the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention & Control Act, 2017), Ministry of Law and Justice via Gazette notification chapter No.4 clearly states that no person shall be compelled to disclose the HIV status except by order of a court that the disclosure of such information is necessary in the interest of justice for the determination of issues in the matter before it. Hence the information cannot be provided, and the reply has already been sent to the appellant vide letter dated 20.08.2021.

The appellant was absent. The case was adjourned.

Hearing dated 03.10.2022:

The case has come up for hearing today through video conferencing at DAC Jalandhar. Both parties are absent.

Having gone through the record, the Commission observes that Ms.Jagroop Kaur is the widow of the deceased person about whom she is seeking information. This commission observes that there is no way to deny the information, as for all practical purposes, the appellant being the wife,would be the deceased person's representative for any other purpose required by law.

Moreover, in the X Vs Hospital Z, 1999 AIR(SC) 495, the Hon'ble Supreme Court held that it was open to the hospital or the doctor concerned to reveal the information regarding HIV positive status to persons related to the girl whom the HIV positive person intended to marry as she had right to be informed. In the present case, the applicant is comparatively at a better footing as she is a widow and legal representative of her deceased husband.

Moreover, Section 22 of the RTI Act is **to have an overriding effect, it states the following**. —The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Since no exemption has been sought under the provisions provided under the RTI Act, this information cannot be denied.

Given the above reasons, the sought information be provided immediately.

The case is adjourned. To come up for compliance on **29.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated: 03.10.2022

Sd/-
(Khushwant Singh)
State Information Commissioner