

NRI moves apex court challenging denial of information

The Supreme Court will hear Thursday a petition challenging the denial of information under the new Indian transparency law to a US-based non-resident Indian on the grounds that he was not an Indian citizen but only an Overseas Citizen of India.

The plea filed by medical practitioner and AIDS expert Kunal Shaha, working at the Ohio University in the US, will be heard by a bench of Justice A.B. Sinha and Justice H.S. Bedi.

Shaha has moved the apex court challenging an August 2007 ruling of a division bench of the Calcutta High Court, dismissing his plea seeking information on a probe by the West Bengal Medical Council (WBMC) into the alleged negligence by some city doctors in treating his wife in 1998.

According to the petition filed by the Shaha's counsel R. Venkataraman, Anuradha Shaha, a child psychologist, had developed an allergic skin condition, which results in the peeling of the skin.

The petition said this disease is treated with a medicine known as Depomedral, which is administered between in doses of 40mg to 80mg a week, while the doctors treating her in [Kolkata](#) in April 1998 had administered at least 80 mg of it twice a day.

This, according to international medical experts, resulted in Anuradha's death, alleged Shaha, who subsequently lodged a complaint with the WBMC against the erring doctors, accusing them of gross medical negligence.

Meanwhile, under a new Indian law, Shaha became an Overseas Citizen of India (OCI).

As the WBMC kept dithering on his plea to provide him the requisite information under the two-year-old Right to Information Act, he approached the Calcutta High Court seeking a direction to the medical panel.

But a single-judge bench of the high court dismissed the plea saying he was not entitled to information under the Right to Information Act, as he was not an Indian citizen when he sought the information and the benefit of the law on dual citizenship could not be granted to him with retrospective effect.

Shaha challenged the single-judge bench's ruling before a division bench, which too dismissed his petition.

After the high court's rulings, the WBMC too informed Shaha that he was not entitled to the information under the Right to Information Act, 2005, as he was not an Indian Citizen.

It is against this communication of the WBMC and the high court's rulings that Shaha has come to the apex court.

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