



J&K State Information Commission
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Wazarat Road, Near DC office , Jammu. 0191-2520937.
www.jksic.nic.in

File No. SIC/CO/Comp/99/2014
Decision No. SIC/ CO/Comp/99/2014/816

Appellant : Shri Deepak Sharma
Respondent: PIO Health & Medical Education Department
Date of Hearing : 03.07.2015
Date of Decision: 17.11.2015
Chief Information Commissioner: G.R. Sufi
Referred Sections: Section 4,6,7,15,16,17 of the J&K RTI Act, 2009.
Result: Complaint disposed of

FACTS:

1. Shri Deepak Sharma, a resident of the State has filed an RTI application before the PIO, Health & Medical Education Department on 20.02.2014 seeking the following information from the PIO:-

- "1. Kindly mention the total number of Blood banks in the state. Provide the details specifying name and address of the blood bank.
2. Kindly provide the details of the total quantity/units of blood wasted/discarded by the blood bank for the reasons that it had crossed expiry date or had not remained fit for transfusion to the patients or for

other reasons. Provide the asked information separately for the year 2011,2012 and 2013. Provide the details specifying name of the hospital/blood bank, address, unit of blood discarded/wasted in 2011,2012 and 2013, reasons of blood discard/waste

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3. Kindly provide the details of total units of blood available in Blood bank as on 20/02/2014. Provide the details of the blood bank specifying name of the hospital/blood bank, address, units of blood available, blood group and date of expiry of the stored blood.
4. Kindly provide the details of the total no of units of blood available in Blood Bank as on 20.2.2014 which has crossed the expiry date. Provide the details specifying name of the hospital/blood bank, address, units of blood, blood group and date of expiry of the stored blood.

Though the information seeker under law is not required to give any reasons for seeking such information, he was persuaded to seek this information because it was revealed in response to an RTI application filed by the same user in Government Medical College, Jammu that a total of 1938 units of blood was wasted/ discarded in GMC Jammu and SMGS Hospital in three years. Information seeker was to be given response to his request for information within a maximum period of thirty days. As no response was given to him, he filed a complaint before this Commission under section 15 of the J&K State RTI Act, 2009 seeking a direction by the Commission for taking necessary action against the erring PIO as per the provisions of RTI Act, 2009 and get the information disclosed. In addition to the RTI application under consideration, two more RTI applications were filed before the PIO. The PIO/PIO(s) were heard.

4. As the issue of providing information pertained to several authorities, the Commission thought it fit to array/call/hear the following authorities:-

1. Commr/Secretary to Govt. Health & Medical Education Deptt
2. Director SKIMS
3. Project Director, Aids & Prevention Control Society, J&K
4. Principal Government Medical College Jammu/Srinagar
5. Director Health Services, Jammu/Kashmir
6. PIO Health & Medical Education Department

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During Commission's hearing on 21.4.2015, the Commission had expressed its regret and anguish that the information which relates to human safety and preservation of human life has not been disclosed on time which shows the apathy and least concern of the concerned responsible officers towards the issue. During this hearing, the present PIO Shri Tahir Mustafa Malik had assured the Commission that he will collect and collate this information. He was advised to send the communications immediately to the various authorities from whom the information was to be collated and collected emphasizing to take immediate response in view of the issue of preservation and safety of human life. The complainant had also suggested during the hearing that the information which was so far not given may now be updated giving details upto March, 2015. He had also requested the Commission that recommendations may be made to the concerned authorities for stream lining the collection of blood, identification of the blood groups and its availability in various government blood banks. Steps may also be suggested for minimizing wastage of blood already collected. Keeping in view the importance of the issue, the Commission had decided to request the Commr/Secretary to Government, Health & Medical Education Department, Principals of Government Medical Colleges Jammu/Srinagar, Director SKIMS and Director Health Services of Jammu/Kashmir to be present during next hearing. Accordingly, these authorities attended the Commission either personally or sent their representatives on account of being preoccupied in some other official engagements on the date of hearing. This hearing was held

on 3.7.2015. During this hearing, Commission brought the contents of the complaint filed by Shri Deepak Sharma to the notice of the participants and a copy of his written submissions were given to the experts for their comments. The Commission observed during the hearing that whether there is a possibility to have an e-blood bank and uploading the information regarding the availability of particular blood group at particular hospital/nursing home/dispensary/District/Tehsil Hospitals. The Commission received a detailed written presentation on blood bank management information system from Dr.

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Showkat Ali Zargar, Director SKIMS and Dr. Neena Sidhu, Assistant Professor, Blood Trans Services, GMC Jammu. The Commission was informed that the blood bank, if started, would aim for acquisition, validation, storage and circulation of various live data and information will be available electronically regarding blood donations and transfusion services safety, accessibility and availability. Such system is able to assemble heterogeneous into legible reports to support decision making from effective donor screening to optimal blood determination in the field. This is an effective management tool for both individual blood banks and multiple blood banks under a single organization/authority by interconnecting all into a single network and managing through a centralized database. The citizen can avail the blood stock availability status at their finger tip online. Further some standard and additional features were given which are annexed with this order.

6. The complainant during the hearing made a passionate plea before this Commission for establishing an e-blood banking system because " the availability, maintainability and transparency in allotting blood/blood components in blood banks to the needed patients in the state of J&K----- though a large number of blood donors regularly donate blood but still one always find attendants of the patients running post to pillar to get blood, that the effective

management of collection and distribution of blood and its components becomes more imperative in a state like ours which regularly deals with militancy, cross border firing related incidents and because of its demography and hilly roads, is more prone to road accidents and natural disasters, that at present there is no transparency and accountability in the management and distribution of blood and its components to those in need in the state of Jammu & Kashmir, that the authentic information regarding availability and transfusion of blood is not forthcoming. The complainant has also highlighted the problems faced in blood collection management and distribution in absence of transparency. The referral of patients for specialized treatment/blood transfusion is not a smooth system because there is no way to know whether the particular blood group was

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available in the referred hospital. Many a times, it has been seen that the patients in critical conditions after travelling a long distance on reaching referred hospitals is informed that particular blood group is not available in that hospital and hence causes grave risk to the lives of the patients. The failure to get a referral endangers the life of a patient because of further blood loss. The complainant, therefore, pleads for devising a system which provides information about the availability of a particular blood group in a particular hospital, dispensary, nursing home etc. The current shelf life of blood is 35 days only even if it is kept in a chained refrigerated condition and after the expiry of 35 days it becomes unfit for transfusion to the humans. This means that particular blood bag if not put to use within 35 days gets wasted. The apathy and insensitivity of the concerned staff also leads to wastage of the blood because there is no coordination between various dispensaries, hospitals etc for identifying the availability of the particular group of blood for a particular patient at a particular blood collection centre. The present system of donating blood by the close relatives, friends and acquaintances of the patient is that they have to visit the hospital where the patient is admitted and donate blood there which becomes sometimes difficult and impossible for such donors to reach the hospital before

time causing the grave risk to the lives of the patients. Hence the requirement for devising a mechanism to allow the donor to donate blood in any designated nearby blood bank and replacement against the donated blood is given by the blood bank in the hospital. Presently, there is no centralized data base available of the voluntary blood donors. Hence a requirement for a mechanism. Even after donating the blood, the donors are not sure whether it has been used for the deserving patients. A system needs to be devised wherein the donor can find the status of blood donated. This can also be used to check and ensure that the blood is used before its expiry. For ensuring a mechanism of establishment of a interconnecting of all blood banks/by launching an e-blood bank facility in the state of J&K by implementing National Blood Policy in letter and spirit. In this connection, the complainant has referred to State of Odisha which has started 'E-Blood Bank' facility. This facility not only ensures transparency and accountability

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in collection and distribution of blood it leads to saving of precious lives. The Commission has gone through the E-Blood Bank facility of Odisha on the website <http://ebloodbank.nrhmodisha.in/> and found that it provides information about location of particular blood group available district wise and the quantity of stock e.g on the date of dictating of this order, the Commission found that the following blood group was available in Odisha Red Cross Blood Bank Balasur District on the date the website was visited:

<u>Blood Group Name</u>	<u>No of stock</u>
A+ve	78
A-ve	0
B+ve	168
B-ve	0
AB+ve	11
AB-ve	0
O+ve	137
O-ve	0

This mechanism interconnects all the Blood Banks of the State into a single network and it records the acquisition, validation, storage and circulation of various live data and

information electronically regarding blood donation and transfusion service. Such system is able to assemble heterogeneous data into legible reports to support decision making from effective donor screening to optimal blood dissemination in the field resulting in a easy access to the public for blood availability status to blood banks. Also providing online status of blood group wise in all the licenced blood banks in the State leading to tracking and controlling system of blood and blood products by the state level administration. The complainant has, therefore, prayed before the Commission to order/recommend the appropriate authorities to ensure implementation of section 4, recommend for launching the E-blood bank service in the state of J&K, to allow a blood donor to donate blood against replacement in any designated blood bank in the state. As the prayer was found to be in overwhelmingly in public interest and for devising a system which will help protect and preserve human lives.

7. Dr. Showkat Ali Zargar, a renowned Doctor and present Head of SKIMS has also given his suggestions and has confirmed that the Odisha model is running successfully and there cannot be much financial implications if implemented in

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the state of J&K. Computer net work of NRHM can be used in phase I in blood banks of SKIMS. Medical Colleges of State can be interconnected as they will function as regional blood banks as per the National Blood Policy 2002. In phase II, licenced blood banks of district hospital of the state can be linked to the net work of regional blood banks. It will serve as satellite blood banks as per National Blood Policy. If E-blood bank scheme is introduced it will result in several benefits like:-

1. State Blood Bank dashboard shall provide stock-wise blood group position of blood and also blood components to patients and also to blood bank officers on click of a mouse.
2. There shall be smooth distribution of blood from regional blood banks to others blood banks and blood storage centers as per national blood policy.
3. Citizen need not visit blood banks personally in a life and death situation as information shall be available at click of a mouse.
4. For the administrative department, transparency shall be introduced as information shall be available at click of a mouse.

Dr. Zargar also referred to certain difficulties which may crop in implementing the system and has, therefore, also made certain recommendations to overcome these

disadvantages and difficulties. He has also referred to National Blood Policy devised by National Aids Control Organization (NACO) Ministry of Health & Family Welfare, Government of India, New Delhi which is attached with this order.

6. The Commission has considered the expert opinion and has gone through the submissions of the complainant as well as heard the PIO(s). In the outset, the Commission would like to observe with shock and anguish that though the issue raised by the complainant in his RTI application related to human life and preservation of the same and making the said life healthy, the PIO(s) have treated the issue in a routine manner. Though the PIO Health Department to whom application was addressed took prompt action in writing to the PIO Govt. Medical College Jammu transferring the application under Section 6(3) to disseminate the information immediately to the complainant, the action was taken in a routine administrative fashion. Section 6(3) of the RTI Act provides the transfer of application to another public authority for the information which is held by another public authority or the subject matter of which is more closely connected with the functions of the another public authority. This information could have been collected by the PIO working in the Ministry of Health Department from other PIO(s) because ultimately it is the Commr/Secretary who is the

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overall public authority of all wings working in the Health Ministry. Therefore, it would have been more feasible and proper for him to invoke section 5 and collect the information from various wings and transmit the same to the information seeker so that unnecessary delay would not have been caused.

7. **In the recently held All India Convention of RTI Information Commissions of the country the Hon'ble Prime Minister rightly observed that RTI cannot be used only for replying the queries but the real purpose will be served if the disclosure of information leads to improvement in the governance and examining the efficacy and efficiency of the real product which is the governance. Even a simple question being asked in the RTI query may compel the system to change this policy for the betterment of the people. Hence importance of this Act.**

8. The authorities while dealing with this application should have appreciated that the RTI queries raised by the complainant pertained to the important issues regarding the collection, identification of the required blood group and the wastage caused in the process of blood donation. Preservation of human life and better quality of life is centre to the goal of good governance which can be achieved by bringing transparency and accountability in the working of public authorities. Improvement of public health is one of the cherished goals of all systems of governance that is why the Constitution of India in Article 47 on Directive Principles of State has laid down the importance of public health as among its primary duties. In the modern welfare state, promotion of health of individuals and health care is a prime responsibility of the governing system. Hence, the complainant's request to the Commission for making recommendations to the government for establishing a e-blood banking system which will ensure speedy and timely transfusion blood to the victims of road accidents, sudden health problems and other emergencies. This is an admitted fact that the present system of blood collection and transfusion is not as effective and timely to save human life as is necessary. There are instances which show that because of several reasons even the donation of blood with good intentions does not yield the intended results because of wastage in the process of preservation and collecting the blood and non timely blood transfusion. There are number of cases where the accident hit people succumb to injuries while

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being shifted to hospitals which contain the needed blood group. Cases have been reported where in the immediate vicinity the hospitals and dispensaries and health centres refuse to give the blood transfusion to a dying patient who could have recovered had he received the required blood transfusion in time and the authorities were also unaware which hospital or health centre in immediate vicinity or other places do contain such required blood group. The then PIO Government Medical College, Jammu is directed to explain why penalty proceedings under section 17 of the J&K RTI Act, 2009 may not be initiated against him for not providing the information within the stipulated time. His reply, if any, must reach this Commission within 30 days from the receipt of this order. **The Commission would accordingly request the Secretary Health of the State to give an immediate thought**

to these recommendations and to establish a blood bank on the same pattern as has been done in Odisha. An expert panel of concerned medical authorities be constituted which will in detail examine the issue and put up the system in place keeping in view the advantages of such e-blood banks and also avoid any of the disadvantages. The Commission while exercising its powers under Section 16(8)(a) direct the public authority to devise a system which would provide access to information seekers for knowing where the required blood group will be available in case of emergency or otherwise. Section 16 of the J&K State RTI Act, 2009 makes it mandatory for the public authorities to adhere to the recommendations and directions given by the J&K State Information Commission to make available the information in a particular form as and when there are required. The Commission would like to have a compliance report with the Commr/Secretary to Government, Health & Medical Education Department within a month from the receipt of this order. Simultaneously,, the Commission would like the Commr/Secretary Health Department who is the public authority to direct all the Health Units, Hospitals, Nursing Homes, Primary Health Centres to implement section 4 of the J&K State RTI Act, 2009 particularly giving the information about the blood group available therein. This mandatory duty was to be performed within 120 days from the enactment of the Right to Information Act, 2009 i.e 30th June, 2009. In case, there is repeated non-compliance with the provisions of law, the Commission would treat the same as deemed refusal to disseminate the information and initiate penalty proceedings.

Sd/-

(G.R. Sufi)

Chief Information Commissioner

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No: SIC/CO/Comp/99-2014 II Part

Dt:

Copy to:-

1. Commr/Secretary to Govt. Health & Medical Education Deptt. Civil Sectt. Jammu
2. Director SKIMS, Srinagar
3. Principal Govt. Medical College Jammu/Srinagar
4. Director Health Services Jammu/Srinagar
5. Project Director, Aids & Prevention Control Society, J&K Jammu

6. Public Information Officer, Health & Medical Education Deptt. Civil Sectt. Jammu
7. PS to Chief Information Commissioner
8. Guard file.

(G.Q. Bhat)
Registrar
State Information Commission