

AS. RMD. 1179552  
ETS NO.  
Date: 10/1/17

438572  
9/1/17

Assistant Registrar(LAW)  
Fax No.: 011-2465 1332  
Home Page : <http://nhrc.nic.in>

Case No. 378/90/0/2016/OC  
NATIONAL HUMAN RIGHTS COMMISSION

( LAW DIVISION )  
MANAV ADHIKAR BHAWAN  
BLOCK-'C', G.P.O. COMPLEX, INA, NEW DELHI - 110023

Dated 26/11/2016

P-63928/AS(NACO)/17  
12/01/2017

Case No. 378/90/0/2016/

To

THE SECRETARY  
MINISTRY OF HEALTH AND FAMILY WELFARE, GOVT. OF  
INDIA, NIRMAN BHAWAN, NEW DELHI

Sir/Madam,

The complaint dated 07/11/2016 received from MR. CHETAN KOTHARI in respect of PEOPLE OF INDIA, was placed before the Commission on 23/11/2016. Upon perusing the complaint, the Commission directed as follows.

*The complaint be transmitted to the concerned authority for such action as deemed appropriate. The authority concerned is directed to take appropriate action within 8 weeks and to inform the complainant of the action taken in the matter.*

Accordingly, I am forwarding the complaint in original for necessary action as per the directions of the Commission.

2  
Secretary Health  
Forwarded to  
AS RMD

Yours faithfully,

DDG (NACO)  
ADG (BTS)

ASSISTANT REGISTRAR (LAW)

CC To:

Case No. 378/90/0/2016/  
MR. CHETAN KOTHARI  
R/O, 52, OCEANIC APARTMENT DR. RAJABALI PATEL  
LANE, OFF B. DESAI ROAD, MUMBAI  
MUMBAI, MAHARASHTRA.

ASSISTANT REGISTRAR(LAW)

## BEFORE THE NATIONAL HUMAN RIGHTS COMMISSION

COMPLAINT NO. \_\_\_\_\_ /2016



SCANNED

In the matter of Transmission of HIV  
through Blood Transfusion across  
the country

And

In the matter of 2234 people  
contacting HIV by the same, as  
revealed under RTI

And

In the matter of worrisome state of  
blood banks across the country

To

The Hon'ble Chair Person &  
Other Pious Members of the  
Human Rights Commission,  
National Human Rights Commission,  
Manav Adhikar Bhawan Block-C,  
GPO Complex, INA,  
New Delhi - 110023

Humble Petition of the Petitioner

**MOST RESPECTFULLY SHOWETH:**

**A. COMPLAINANT'S DETAILS**

1. Name: Mr. Chetan Kothari
2. Sex: Male
3. State: Maharashtra
4. Full Address: 52, Oceanic Apartment Dr. Rajabali Patel Lane, Off B. Desai Road, Mumbai-4000 26.  
Mobile # 9323002288.
5. District: Mumbai

Self-Attested

*C. R. Kothari*  
Chetan Kothari

6. Pin Code: 400026

**B. INCIDENT DETAILS**

1. Incident Place (Village/Town/City): India
2. State: Across India
3. District: India
4. Date of Incident: Still going on

**C. VICTIM'S DETAILS**

1. Name of the victim: Many
2. No. of victims: Many
3. State: Across India
4. Full Address: India
5. District: India
6. Pin Code: India
7. Religion: Not applicable
8. Caste (SC/ST/OBC/General): Not applicable
9. Sex: Not applicable
10. Age: Not applicable
11. Whether Disabled person: Not applicable

**D. Brief summary of facts/allegations of human rights involved**

1. I myself am the complainant in the present case. I am a RTI activist in Mumbai
2. I had filed a RTI with National AIDS Control Organisation (NACO) on 24.4.16, asking details regarding no. of people who have contracted HIV by means of transfusion of contaminated and infected blood.
3. I received the reply dated 24.5.16, No. 12015/ 22/ 09- NACO(BS). The reply is shocking. It states that as per ICTC- *Integrated Counseling and Testing Center* data, 2234 people contracted HIV by virtue of transfusion of Blood/ Blood products during the period, Oct, 2014 to March, 2016.
4. The data however is collected by voluntary disclosure on mode of contraction of HIV, by the HIV positive people themselves.

Self-Attested

*C. R. Kothari*  
Chetan Kothari

5. However, it is a very grave and serious matter, if there is even an iota of truth in the data.
6. A single healthy person, getting HIV positive blood transfusion, is violation of his Constitutional Human Right to Health, and Right to Life, and Right to Dignity.
7. It is lame excuse to blame the outdated and obsolete blood testing facilities for people getting HIV blood.
8. I believe shortage of staff is equally responsible for the same.
9. Blood banks across the country are facing acute shortage of staff viz. Blood Transfusion Officers/ Blood Bank Officers/ Medical Officers in Blood Banks, Blood Bank Technicians, Blood Bank Technical Supervisor, and Blood Bank Staff Nurses.
10. Repeated newsarticles, are highlighting, how blood banks are facing staff crunch. Many blood banks are shut down, although only for short period, by State and Central Drug Regulatory Bodies, for the same reason. However fearing that permanently closing the blood banks or cancellation of license would be adversely affecting the health of many people dependent on such blood banks, the blood banks are many times, allowed to run, even with skeleton staff, on Humanitarian Grounds.
11. Shortage of staff affects the quality of blood as follows: Due to less staff, proper screening of blood at time of collection is compromised. Testing facilities are also delayed. A very late testing is meaningless, as even positive samples give negative results. These all are root cause of messy conditions of blood banks.
12. The State and Central Government blood banks, and also corporation blood banks are neglecting the above problem. Frequent recruitment drives and advertisement of above posts- Doctors/ Technician/ Technical Supervisor/ Staff Nurse, are not done. Many time advertisements are for only contractual/ Ad hoc/ temporary post, and not for regular/ permanent post. The salary offered is also too low. Because of all these, few people are attracted to job, leaving most posts vacant.

Self-Attested

C. R. Kothari  
Chetan Kothari

13. The private, charitable and stand alone blood bank too are ill staffed but are running across the country due to reluctance of State and Central Drug Regulatory bodies to take action against them, for reasons best known to them.

14. The above blood banks are just maximizing profits, by hiring less staff, so that less salary needs to be paid towards blood bank personnel.

15. Hence I am filing this present complaint in the view of public Interest, seeking the below prayer:

**E. Whether complaint is against Members of Armed Forces/ Para-Military:**

No

**F. Whether similar complaint has been filed before any Court/ State Human Rights Commission: No**

**G. Name, designation & address of the public servant against whom Complaint is being made**

1. National AIDS Control Organisation- NACO,  
Department of Health & Family Welfare  
Government of India, 6th & 9th Floor  
Chanderlok Building, 36, Janpath,  
New Delhi – 110001

2. Central Drugs Standard Control Organisation- CDSCO,  
Directorate General of Health Services,  
Ministry of Health and Family Welfare,  
Government of India, ITO, Kotla Road,  
New Delhi- 110002

**H. Name, designation & address of the authority/officials to whom the public servant is answerable**

1. Department of Health & Family Welfare  
Government of India.

Self-Attested

C. R. Kothari

Chetan Kothari

2. Directorate General of Health Services,  
Ministry of Health and Family Welfare,  
Government of India

**I. Prayer/ Relief if any, sought**

- SA if
1. The NACO and CDSCO must enlist all the measures taken by it, and presently being followed for tackling the above problem.
  2. An committee must be constituted to make the norms on No. of blood bank personnel required for a blood bank, considering various factors, for safe collection of blood and its effective testing.
  3. The State FDAs and Central Drug regulatory body must submit a compliance report on implementation of above staffing norms in the blood banks of India, within stipulated time limit period.
  4. The State Government (Health Department, Medical Education Department), the Corporations, and also Central Government (Health Department or any other departments having their blood banks- e.g. Defense Department hospital Blood Banks, ESIC/ ESIS- *Employment State Insurance Corporation/ Scheme* hospital Blood Banks, Railway Hospital Blood Banks, Atomic Energy Hospital Blood Banks, etc.) must be directed to initiate the recruitment drive for blood bank staff. Firstly, adequate no. of posts must be created; secondly the posts must be advertised and filled on regular basis. Various facilities and measures, including additional benefits must be included so as to encourage people in taking the blood bank jobs, in case adequate no. of applications are not received, for the posts.
  5. An audit may be carried out on no. of staff in private/ charitable/ stand alone blood banks. It must be ensured that the staffing norms are strictly followed by them, failing to which their licenses must be revoked.
  6. All Governmental and Non Governmental Blood Banks must adhere to staff norms particularly. Those failing to comply with the same, strict action must be taken on them.

Yours truly  
C. R. Kothari,

Self-Attested  
C. R. Kothari  
Chetan Kothari

Annexure - 'A'

(See Rule 3)

APPLICATION UNDER CENTRAL INFORMATION ACT 2005.

TO,  
The Central Public Information Officer &.,  
National Aids Control Organisation  
Department of Health & Family Welfare  
Government of India, 6<sup>th</sup> & 9<sup>th</sup> Floor  
Chanderlok Building, 36, Janpath,  
New Delhi-110001.

- (1) Name Of The Applicant :- Chetan Kothari. (Press-Reporter & Rti Activist)
- (2) Address of the Applicant :- 52, Oceanic Apartment, Dr. Ratably Patel Lane, Off B. Desai Road, Mumbai-400 026. Mobile # 9323002288. Email:chetankothari53@yahoo.com.
- (3) Particulars of Information Required :- Transmission data hiv blood, etc.
- [i] Subject Matter of information\*. Pertaining to Transmission of HIV/AIDS by blood transfusion.
- [ii] The Periods to which the information requireds :- From last two year wise breakup.
- [iii] Description of the information requireds : As per below.
- (a) Please give ICTC data on transmission of HIV via blood transfusion across country, (i.e. how many people contracted HIV via blood transfusion) from Oct 2014 to March, 2016 given information state wise/ union territory wise.
- (b) Kindly give ICTC data on transmission of HIV via blood transfusion across country, (i.e. how many people contracted HIV via blood transfusion) from Oct, 2014 to March, 2016 give month wise distribution.
- (c) Kindly give the full name address and designation and telephone/mobile number of the first appeal officer in this regard.
- [iv] Whether the information is required by post or in person :- By post (The actual postage charges shall be included in additional fees) :-
- [v] In case of post :-Not applicable, (Ordinary, Registered or speed)

IPD # D9F595461 for Rti fees

Self-Attested

C.R. Kothari

Chetan Kothari

[4] Whether the applicant is below poverty line :- Not applicable.  
(If yes, attach the photo copy of the proof there of)

Place:-Mumbai.  
Dated:- 20/4/16.

*C.R. Kothari*

Applicant.

Kindly note:-

Under Section 4 (1) (a) of the Right to Information Act 2005., all public authorities are suppose to maintain all their records duly catalogued and indexed in a manner that facilitates the Rti.

- I have brought to your notice, PIOs responsibility to obtain the information from concern department compile & provide to applicant as per Rti Act without delay. PIOs failure to act according to provision of Rti Act His try to Violate the Rti Act.. Even PIOs not mention his name, full address, telephone no, email id exc. Which must be mention there reply as per Maharashtra Govt GI'd dept circular serial # KMA 2008/870P.K. 300/08/Saha dtd,13/5/09.
- Section 4 (1) (d) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
- PIOs responsibility for non supply to the applicant shall devolve on him/her under section 5(4) & 5(5) of Rti Act,2005. Subject to the provisions of this Act, all citizens shall have the right to information.PIOs duty to obtain the information from other department after compile & provide to applicant.
- Section 7 (6) Not with standing anything contain in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limit specified in sub-section (1).
- Further I said, under sub-sanction (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, in-complete or misleading information, Which was the subject of request or obstructed in any manner in furnishing the information, It shall impose a penalty as per Rti Act. Per day Rs.250/- each day till application is received or information is furnished. So however. The total amount of such penalty shall not exceed Rs.25,000/-

Self-Attested

*C.R. Kothari*

Chetan Kothari

Stamp: NO NEGOTIABLE, 5.12.16, MUMBAI

Stamp: INDIAN POSTAL ORDER

Stamp: PAY TO

Stamp: POSTAGE STAMPS

Stamp: CHETAN KOTHARI

Stamp: CHETAN KOTHARI, 52, Cecauli, Apartment, Dr. Rajabai Patel Lane, Gita B. Desai Road, Mumbai-400 068, Mob. 9323002288

Handwritten: 19



RTI Matter  
Immediate

No S-12015/22/09 NACO/BS  
Government of India  
Ministry of Health & Family Welfare  
(National AIDS Control Organization)

9<sup>th</sup> Floor Chandralok Building,  
36-Janpath, New Delhi - 110 001.  
Dated: 24<sup>th</sup> May 2016

To

Shri. Chetan Kothari  
52 Oceanic Apartments,  
Dr.Ratably Patel Lane,  
Off B.Desai Road, Mumbai-400 026

**Subject: Information seeking under RTI Act, 2005.**

Please refer to your RTI Applications dated 21.04.2016, received in Blood Safety Division on 13.05.2016 on the above subject. The point wise information is as under:-

Information sought	Reply
1. Please give ICTC data on transmission of HIV via blood transfusion across country,(i.e. how many people contracted HIV via blood transfusion) from Oct,2014 to March,2016 given information state wise/union territory wise.	1. The States/UTs wise details of number of people who have found HIV/AIDS positive through blood transfusion between October 2014 to March 2016 is enclosed at <b>Annexure I</b> .
2. Kindly give ICTC data on transmission of HIV via blood transfusion across country,(i.e. how many people contracted HIV via blood transfusion from Oct,2014 to March,2016 give month wise distribution.	2. The month wise details of number of people who have found HIV/AIDS positive through blood transfusion between October 2014 to March 2016 is enclosed as <b>Annexure II</b> .
3. Kindly give full name address and designation and telephone/mobile number of the first appeal officer in this regard.	3. The first appeal officer in this regard is Dr. R.S. Gupta, Deputy Director General (BS Division), 9 <sup>th</sup> Floor Chandralok Building, 36-Janpath, New Delhi - 110 001, Telephone- 011-23736851, 011-43509916

In terms of Section 19 (1) of the RTI Act 2005, Dr. R.S. Gupta, Deputy Director General (BS Division) is the Appellate Authority for the purpose of implementation of the RTI Act,2005.

Encl: As above

Yours faithfully,



(M.K Diwaker)

Section Officer (Admn.) & CPIO

Copy to: P&C Section, NACO

Self-Attested

C. R. Kothari  
Chetan Kothari

## Annexure -I

State/UT wise HIV positive case reported through blood and blood products for the period October 2014-March 2016		
Sl.No.	States/UTs	TOTAL
	India	2234
1	Andaman & Nicobar Islands	0
2	Andhra Pradesh	43
3	Arunachal Pradesh	0
4	Assam	8
5	Bihar	91
6	Chandigarh	19
7	Chhatisgarh	69
8	Dadra & Nagar Haveli	0
9	Daman & Diu	3
10	Delhi	264
11	Goa	2
12	Gujarat	292
13	Haryana	99
14	Himachal Pradesh	0
15	Jammu & Kashmir	14
16	Jharkhand	17
17	Karnataka	127
18	Kerala	29
19	Madhya Pradesh	14
20	Maharashtra	276
21	Manipur	17
22	Meghalaya	0
23	Mizoram	4
24	Nagaland	4
25	Odisha	55
26	Puducherry	1
27	Punjab	88
28	Rajasthan	55
29	Sikkim	0
30	Tamil Nadu	89
31	Telangana	42
32	Tripura	0
33	Uttar Pradesh	361
34	Uttarakhand	16
35	West Bengal	135

Self-Attested

C.R. Kothari

Chetan Kothari

Self-Attested

*C.R. Kothari*

Chetan Kothari

Mothwise wise HIV positive case reported through blood and blood products for the period October 2014-March 2016

Sr. No.	State/UTs	Month												Total						
		Oct-14	Nov-15	Dec-14	Jan-1	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15		Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16
1	India	112	111	133	96	99	124	146	147	132	160	132	119	116	101	141	106	129	130	2
2	Andaman&Nicobar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	Andhra Pradesh	3	1	2	0	0	2	1	5	6	2	0	4	2	4	3	3	3	0	2
4	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	Assam	1	0	1	0	0	2	0	1	0	0	0	0	0	1	0	1	1	1	1
6	Bihar	0	4	3	7	0	2	1	1	9	4	11	5	4	4	15	4	8	9	9
7	Chhattisgarh	1	0	1	0	0	1	4	0	2	1	1	0	1	2	0	2	1	2	2
8	DNH	6	4	3	6	3	2	5	2	2	4	5	2	3	2	2	3	7	8	8
9	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	Delhi	11	7	10	13	11	20	22	15	14	24	25	11	17	8	21	12	13	10	10
11	Goa	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
12	Gujarat	16	21	41	17	15	12	22	16	12	15	12	12	12	21	10	9	13	16	16
13	Haryana	1	0	2	3	4	4	6	16	9	9	5	7	8	3	7	7	1	7	7
14	Himachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15	Jammu & Kashmir	0	1	1	1	0	0	1	0	1	1	1	1	2	0	0	3	2	1	3
16	Jharkhand	0	1	1	1	0	0	2	0	1	1	1	1	2	0	0	0	0	0	0
17	Karnataka	10	6	6	3	0	8	9	5	9	13	7	7	6	3	14	8	6	7	7
18	Kerala	0	4	2	1	2	4	1	0	3	4	1	0	1	1	1	2	1	1	1
19	Madhya Pradesh	0	1	1	0	1	0	1	1	1	0	0	2	2	1	0	0	1	2	2
20	Maharashtra	13	17	23	12	18	17	24	10	14	17	14	20	14	10	15	16	12	10	10
21	Manipur	1	6	0	1	1	1	1	3	1	0	1	1	0	0	0	0	0	0	0
22	Meghalaya	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23	Mizoram	0	0	0	0	1	1	0	1	1	0	0	0	0	0	0	0	0	0	0
24	Nagaland	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
25	Odisha	2	2	3	0	1	4	4	10	1	4	2	2	1	6	3	4	4	2	2
26	Puducherry	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
27	Punjab	1	4	2	1	3	2	7	6	8	7	9	8	3	3	5	2	6	11	11
28	Rajasthan	4	2	3	0	4	3	4	6	2	4	3	4	4	4	4	0	4	0	0
29	Sikkim	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
30	Tamil Nadu	8	7	4	5	7	7	6	7	6	7	3	1	4	3	5	1	7	1	1
31	Telangana	6	2	2	3	1	2	2	3	0	3	3	2	0	0	0	0	0	0	0
32	Tripura	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
33	Uttar Pradesh	20	16	9	14	23	23	11	28	26	25	19	19	19	15	23	16	31	24	24
34	Uttarakhand	0	0	2	1	0	0	1	0	1	3	2	0	4	1	0	0	0	1	1
35	West Bengal	7	4	10	7	4	7	11	9	3	11	7	10	8	8	9	9	5	6	6

Self-Attested

*C.R. Kothari*

Chetan Kothari

# THE HINDU

## Bad blood: 2,234 get HIV after transfusion

Updated: May 31, 2016 14:34 IST

### No action taken against hospitals or blood banks, says RTI activist.

In the last 17 months alone, 2,234 persons across India have been infected with human immunodeficiency virus (HIV) while getting blood transfusions. The maximum number of such cases — 361 — was reported from Uttar Pradesh due to unsafe blood transfusion practices in hospitals.

Just last week, a three-year-old boy from Assam's Kamrup district, admitted to the Gauhati Medical College and Hospital for treatment of burn injuries, is reported to have contracted HIV due to transfusion of contaminated blood.

#### Gujarat ranks second

Gujarat with 292 cases, Maharashtra with 276 and Delhi with 264 cases are the other leading States where patients have been transfused unsafe blood.

The data was revealed by National AIDS Control Organization (NACO) in response to a Right to Information query by activist Chetan Kothari.

#### Government in denial

"The government has been slackening on raising AIDS awareness due to budget cuts. Cases like these keep happening over and over again and no action is taken against erring hospitals and blood banks. This is an extremely serious issue, and the government needs to address it urgently," said Mr Kothari.

In India, NACO has been primarily responsible for ensuring provision of safe blood. According to law, it is mandatory to screen donors/donated blood for transmissible infections of HIV, HBV and hepatitis C, malaria and syphilis.

According to the latest annual report, till September 2014, NACO's total blood collection was around 30 lakh units. Nearly 84 per cent of the donated blood units came from Voluntary Blood Donation, which seem to be the source of the problem, says Naresh Goyal, Deputy Director General, NACO.

#### Contaminated blood spreads HIV in India

"These are unfortunate cases and we are working towards the goal of zero transmission.

Having said that, these numbers must be looked in the context of the scale of our HIV programme. For example, 20 years ago, nearly 8-10 per cent of total HIV infections were coming to transfusions. Currently, that figure is below 1 per cent. We have conquered this route of infection. It is now legally mandatory for every blood bank to screening the units before giving it to a patient.

“In some cases, the donor may be in a window period — before his HIV viral load can be detected — when he donates the blood. In such cases, when screened, the blood sample shows a false negative,” Mr. Goyal said.

According to NACO’s 2015 annual report, the total number of people living with HIV/AIDS (PLHIVs) in India was estimated at around 20.9 lakh in 2011. Nearly 86 per cent of these patients are in the 15-49 age-group.

Children less than 15 years of age accounted for 7 per cent or 1.45 lakh of all infections in 2011 while 39 per cent (8.16 lakh) were among women.

Self-Attested

*C. R. Kothari*

Chetan Kothari