

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
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Decision No. CIC/DS/C/2010/900116/SG/8312
Complaint No. CIC/DS/C/2010/900116/SG

Relevant Facts emerging from the Appeal

Complainant : Mr. Mohit Gupta
33-B, 3rd Floor, Saidullajab,
Delhi-30.

Complainant : Mr. B. D. Sharma
Public Information Officer & Director
Employees Estate Insurance Corporation
Ministry of Labour, Government of India
Parchdeep Bhawan, CIG Road,
New Delhi-110002

RTI application filed on : 04/06/2009
PIO replied : 11/08/2009
First appeal filed on : 13/07/2009
Complaint received on : 11/09/2009

S. No	Information Sought	Reply of the Public Information Officer (PIO)
1.	Region wise list of region wise hazardous industries, along with risks involved and employees working in those units.	Not replied.
2.	List of workers who have been issued identity cards and information regarding medical facilities that have been extended to them.	Not replied.
3.	Region wide list of the number of workers that have been registered under El act since 11 July 2008. How many of these workers were medically checked before registration? Kindly provide name of medical practitioners who conducted these medical examinations.	Not replied.
4.	Information regarding efforts have been made by ESIC for education of employees about Health hazards at work place with a copy of any literature that has been distributed, along with budgetary allocation (year wise) for this task and the expenditure incurred there on.	ESI Corporation do not undertake education of employees about health hazards at work places.
5.	The number of suspected cases of occupational diseases that have been found with details about the type of disease, along with a list of workers Occupational Disease centre (ODC) wise. What is the follow-up treatment being provided to these workers? How many of these cases have been referred to Special Medical Board for confirmation and Chief Inspector of factories.	Copy of suspected cases was enclosed.
6.	The number of the above cases that have been confirmed by Special Medical Board?	Not replied.
7.	The number of occupational Disease surveillance teams that have been constituted by ESIC, with a list (region wise with date of formation,) along with the list of equipments with these teams and a list of inspections	There are no occupational disease surveillance team constituted by ESIC.

	carried out by each team and result of the inspection.	
8.	There was a specific instruction to publish ODC data. Information regarding the medium and frequency of such publication along with a copy of each publication	There are no specific instructions given by ESIC for publishing QOC data.
9.	A copy of the annual calendar region wise for sensitization of employers towards Occupational hazards for 2008-2009 and 2009-2010 along with a copy of any reference material / Literature generated for the purpose.	There is no annual calendar for sensitization of employers towards occupational hazards.
10.	A list of trainings conducted regarding identification, prevention and treatment of Occupational Disease since July 08 along with details of attendees.	List was enclosed.
11.	The number of ODC's that have taken up research on Occupational Health	At present, no research work is being taken by ODCs.

Grounds for the First Appeal:

Non-supply of information provided by the PIO.

Grounds for the Complaint:

Unsatisfactory information provided by the PIO and inaction on the part of the FAA.

Relevant Facts emerging during Hearing:

The following were present

Complainant: Mr. Mohit Gupta;

Respondent: Mr. Raj Kanwal, Jt. Director representing Mr. B. D. Sharma, PIO & Director;

The respondent states that some of the information sought by the Complainant is not available in centralized manner and have to be obtained from various regional offices across the country. The Complainant points out that there are following deficiencies in the information provided to him so far:

- 1- Query-5: the Complainant had sought information and follow up action taken in the treatment provided to workers suspected to occupational decease.
- 2- Some of the information provided to the Complainant states that it has been collected from Medical Branch-I. The PIO has informed the Commission that there are six medical branches. The PIO states that though there are six branches only Medical Branch-I deals with Policy Matters and other branches deals with other matters.

The Complainant states that he has been given the information by the PIO that there are 150 cases of suspected occupational diseases throughout the country. The Complainant shows that he has received the information from West Bengal that it has close to 250 cases of suspected occupational diseases. The PIO is also directed to ask the four ODC Centers to provide the number of confirmed cases to the Complainant. The Respondent has stated that ESIC does not inform the Chief Inspector of Factories about the number workers with suspected occupational diseases. The Complainant has shown that a circular issued by Dy. Medical Commission on 11/07/2008 states that, "*Suspected cases and occupational disease cases reported in ODCs should be informed to the Regional Office or referring them to Special Medical Board for confirmation and also to Chief Inspectors of factories as well as the employer in alerting them.*" It is apparent that this circular is not being followed at all by ESIC. It has taken months to provide partial information to the Complainant and it is apparent that ESIC with a huge budget does not have data about the health of workers in the country in the centralized manner. It is necessary that this must be available centrally an also made available on it website in discharge of its obligation under Section-4 of the RTI Act.

The Commission under its powers under Section 25(5) of the RTI Act recommends that ESIC centrally collects information on important indicators like suspected occupational diseases and such other information. These must be put up on the website of the corporation and updated every month. The Commission directs the PIO to ensure that this is done before 30 August 2010 and a compliance report sent to the Commission and the Complainant.

Decision:

The complaint is allowed.

The PIO is directed to give the information on the two points as described above to the Complainant before 20 July 2010.

The PIO is also directed to ensure and Section-4 disclosures as directed above are displayed on the website before 30 August 2010.

The PIO is directed to send the compliance report along with the url address where the information has been uploaded. The same may also be emailed to rtimonitoring@gmail.com. The Report must include:

1. Measures taken to fulfill disclosure obligations under Section 4 including making information available on your official website as well as hard copies of the information at the department's offices.
2. Measures put in place to ensure regular updating of the information uploaded on the websites and made available at the offices.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
28 June 2010

(In any correspondence on this decision, mention the complete decision number.)(ND)