

# **Appeal Under Section 19(1) of the Right to Information Act, 2005**

To: The Central Information Commissioner (CIC)

Subject: Appeal Regarding RTI Application No. PGCIL/R/E/24/00239 dated 28.04.2024

Date: 17 May 2024

Dear Sir/Madam,

This appeal pertains to my RTI application No. PGCIL/R/E/24/00239 dated 28.04.2024, filed with Power Grid Corporation of India Limited (PGCIL) seeking an extract copy of the IVF treatment reimbursement policy.

In its response dated [Date of Response], PGCIL denied the information citing Clause 8(1)(d) of the RTI Act, 2005. The clause exempts disclosure of information that would harm the competitive position of the organization and does not involve a larger public interest.

## **Grounds for Appeal:**

I respectfully submit that PGCIL's application of Clause 8(1)(d) is erroneous and misleading. Medical welfare policies, including IVF reimbursement schemes, do not constitute intellectual property (IP) as envisioned under the aforementioned clause.

The disclosure of such policies fosters transparency and facilitates informed decision-making for employees. Furthermore, the Ministry of Health and Family Welfare (MoHFW) issued Office Memorandum No. Z.15025/5/2011-CGHS-III/CGHS(P) dated November 22, 2011, outlining a standardized framework for IVF treatment reimbursement in organizations.

My request for the extract copy of PGCIL's IVF policy solely aims to analyse its alignment with the MoHFW circular. This information serves a larger public interest by promoting employee well-being and ensuring compliance with established guidelines.

## **Relief Sought:**

Therefore, I request the Hon'ble Commission to:

- Direct PGCIL to provide the extract copy of the IVF treatment reimbursement policy as requested in my RTI application.
- Declare PGCIL's application of Clause 8(1)(d) in this instance as incorrect and misleading.

I am confident that the disclosure of this information falls within the purview of the RTI Act and serves a legitimate public interest. I have attached a copy of my RTI application and PGCIL's response for your reference.

Thank you for your time and consideration.

Sincerely,

K.V.SATYAVATHI

Cell: 7013208126



Government of India  
Ministry of Health and Family Welfare  
Department of Health & Family Welfare  
Nirman Bhawan, New Delhi 110 108

No: Z.15025/5/2011-CGHS III/CGHS (P)

Dated, the 22<sup>nd</sup> November, 2011

O F F I C E M E M O R A N D U M

**Subject: Guidelines / Criteria for reimbursement of expenses for In-Vitro Fertilisation(IVF) treatment to CGHS beneficiaries and beneficiaries under Central Services (Medical Attendance) Rules, 1944.**

The undersigned is directed to say that the Ministry of Health & Family Welfare has been receiving requests for providing clarifications as to whether the expenditure incurred on In-Vitro Fertilisation ((IVF) treatment is admissible under CGHS, and if so, whether any guidelines have been laid down for reimbursement of the expenses incurred on IVF treatment.

(2) The matter has been examined by a Technical Committee of the Heads of Department of Gynaecology & Obstetrics of Government Medical institutions, and based on the recommendations of the Committee, the following guidelines are laid down for considering cases for reimbursement of expenses incurred on IVF treatment by CGHS beneficiaries and beneficiaries under Central Services (Medical Attendance) Rules, 1944:-

- (i) Requests for IVF treatment will be considered only on the basis of advice tendered by the Head of Department of Gynaecology & Obstetrics of a Government Medical institution;
- (ii) Permission for IVF treatment to be undertaken may be given by the Head of Department in the Ministries / Departments on the recommendations of the Head of Department of Gynaecology & Obstetrics of a Government Medical institution;
- (iii) IVF procedure will be allowed in a Government Medical institution on the recommendations of the Head of Department of Gynaecology & Obstetrics of a Government Medical institution;
- (iv) IVF procedure may be allowed, on a case to case basis, in a private medical institution if the Institution is registered with the State / Central Government and has the necessary facilities including equipment and trained manpower for carrying out the procedure. It is, however, mandatory to obtain the recommendations of the Head of Department of Gynaecology & Obstetrics of a Government Medical institution for permitting the procedure to be undertaken in a private institution;
- (v) There should be clear evidence of failure of conventional treatment before permitting IVF treatment procedure;

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- (vi) The age of women undergoing IVF treatment procedure should be between 21 and 39 years;
- (vii) The woman has to be married and living with her husband;
- (viii) The IVF treatment procedure will be allowed only in cases of infertility where the couple has no living issue;
- (ix) Reimbursement of expenditure incurred on IVF procedure will be allowed upto a maximum of 3 (three) fresh cycles;
- (x) An amount not exceeding Rs.65,000/- (Rupees sixty five thousand only) per cycle or the actual cost, whichever is lower, will be allowed for reimbursement. This amount will be inclusive of the cost of drugs and disposables and monitoring cost during IVF procedures;
- (xi) As IVF treatment is a planned procedure, reimbursement cases can be considered by the Ministries / Departments only if prior approval was obtained by the beneficiary for undergoing the IVF treatment.
- (xii) There will be a onetime permission for availing IVF treatment consisting of three cycles in total, which would be admissible to the beneficiary. The concerned Ministry / Department shall obtain an undertaking from the applicant that he / she has not claimed the reimbursement earlier from the Government of India in the past and will not claim it in the future.

3.. These guidelines come into force from the date of issue of the Office Memorandum and reimbursement cases of IVF treatment undertaken after the issue of the Office Memorandum only can be considered by the Ministries / Departments.

4. This issues with the concurrence of Integrated Finance Division in the Ministry of Health & Family Welfare, vide Dy. No.C.1747/IFD (Health)/2011 dated the 21<sup>st</sup> November, October, 2011.



[V.P. Singh]

Deputy Secretary to the Government of India

[Tel: 2006 1831]

To

- 1 All Ministries / Departments, Government of India
- 2 Director, CGHS, Nirman Bhawan, New Delhi
- 3 All Additional Directors /Joint Directors of CGHS cities outside Delhi
- 4 All Pay & Accounts Officers under CGHS
- 5 Additional Director (Hqrs) / Additional Dy Dir Gen (Hqrs) / Additional Director (SZ) / Additional Director (CZ) / Additional Director (NZ) / Additional Director (EZ), CGHS, New Delhi

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