



RTI matter/ Time Bound

Government of India
Ministry of External Affairs
New Delhi

01 December 2020

No. E/551/1/2020-RTI

To:



Subject: Information sought under Right to Information Act, 2005

Sir,

Please refer to your RTI application bearing Registration No. MOEAF/R/T/20/00750/1 and Registration No. MOEAF/R/T/20/00751/1 addressed to Ministry to RTI cell, Ministry of External Affairs, New Delhi received by this Division on 02 November 2020.

2. It may be noted that under the provisions of RTI Act, 2005, a CPIO/ Public Authority is under obligation to provide an applicant only that information which exists in the records and that which is held by or under the control of that authority.
3. The undersigned CPIO has been requested to provide information with respect to point no. 3 of your query.
4. The information sought is not available with the undersigned CPIO and hence, the application is being transferred to Ministry of Health & Family Welfare for providing any information that may be available with them with respect to point no. 3 in your application.
5. If you are aggrieved with this reply, you may file an appeal to Shri Satish K. Sivan, Director (East Asia) & Appellate Authority, Ministry of External Affairs, South Block, New Delhi -110001, within a month from the date of receipt of this letter.

Yours faithfully,

(Karthik G. Iyer)

DS (China) & CPIO
Room no. 270 A, South Block,
New Delhi - 110001
Telefax: 23011356
Email: dschina2@mea.gov.in

CC to:

1. Ms. Deepa Jain, Under Secretary (RTI), MEA, New Delhi
2. Ministry of Health & Family Welfare, Directorate General of Health Services (DGHS) - [Sh. V. Prasad, Dy. Director (VP) & CPIO, 750-A Nirman Bhawan, Maulana Azad Rd, New Delhi, Delhi 110011]

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	MOEAF/R/T/20/00750/1	Date of Receipt (प्राप्ति की तारीख) :	02/11/2020
Transferred From (से स्थानांतरित) :	Ministry of External Affairs on 05/11/2020 With Reference Number :		
Remarks(टिप्पणी) :	Transfer under section 6(3) of RTI Act, 2005.		
Type of Receipt (रसीद का प्रकार) :	Electronically Transferred from Other Public Authority	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :			
Address (पता) :			
State (राज्य) :			
Phone Number (फोन नंबर) :			
Email-ID (ईमेल-आईडी) :			
Status (स्थिति)(Rural/Urban) :			
Requester Letter Number(निवेदक पत्र संख्या) :			
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता)	Indian
Amount Paid (राशि का भुगतान) :	0 (Received by Legislative Department) (original recipient)	Mode of Payment (भुगतान का प्रकार)	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	US (China)
Information Sought (जानकारी मांगी):	for point no. 3.		
Original RTI Text (मूल आरटीआई पाठ):	PLEASE FIND ATTACHED		
<input type="button" value="Print"/> <input type="button" value="Save"/> <input type="button" value="Close"/>			

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

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Email-ID (ईमेल-आईडी) :			
Status (स्थिति)(Rural/Urban) :			
Requester Letter Number(निवेदक पत्र संख्या) :	Details not provided	Letter Date :	Details not provided
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता)	Indian
Amount Paid (राशि का भुगतान) :	0 (Received by Department of Legal Affairs) (original recipient)	Mode of Payment (भुगतान का प्रकार)	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	US (China)
Information Sought (जानकारी मांगी) :	for point no. 3.		
Original RTI Text (मूल आरटीआई पाठ) :	please find the attached file		

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All India Bar Association has made a representation dated 17.5.2020 praying to promulgate Ordinance to provide a way for suing China for Covid-19 for recovering damages.

kindly provide a copy of the said representation with all notings by all concerned.

Whether the Govt. of India has decided in principle decided to amend outdated Section 86 in the CPC, 1908 enabling citizens of India to sue the Government of China in the Indian courts to recover the losses due to Covid-19 and especially for each of the 20 Lakh lawyers in the country a minimum of Rs. 20 Lakh, totaling Rs. 4 Trillion?

Whether the Govt of India has come to the conclusion that Section 86 of CPC is the grey area in the law that is preventing the people of the country from seeking effective legal redress for enforcement of their rights.

Whether the Govt of India has come to the conclusion that there is convincing material to demonstrate that the spread of the pandemic is the handiwork of The People's Republic of China. The virus is the creation of its laboratories under orders of the Govt. which is now trying to cover its tracks. The virus, developed with remarkable ability to mutate, spread and afflict, and with an unprecedented rate of mortality, has been deliberately and consciously wreaked upon the world by the Govt. of China, as part of its design.

Whether Govt. of India admits that as per Section 86 CPC, no foreign State may be sued in any Court otherwise competent to try the suit except with the consent of the Central Government certified in writing by a Secretary to that Government. It should be noted that the above provision allows suits to enforce contractual obligations in respect of trade activity in which a government is engaged but not for damages for the commission of the tort. There is no logic underlying this distinction.

Whether it is a fact that as per Doctrine of State Immunity, States enjoy protection from being sued in courts of other States and are exempted from prosecution or suits for the violation of the laws of another State. But this is applicable to only those States who have signed and ratified the United Nations Convention on Jurisdictional Immunities of States and Their Property (Convention).

Whether Govt. of India admits that India is a signatory to the Convention, having signed the same on 12.01.2007. So far India has not ratified the said Convention nor has it accepted it in any way. Therefore, India is not under any obligation to exempt China or any other country from being prosecuted or sued in India for any violations. More importantly, China is also a signatory to the said Convention and just like India, it has not ratified the same.

Whether it is fact that law cannot bar the institution of a civil suit for the enforcement of civil rights against any entity unless it provides an alternate and efficacious channel for voicing the said grievance. As the law stands today, there is no other remedy available to Indians against China.