



**RTI matter/ Time Bound**

Government of India  
Ministry of External Affairs  
New Delhi

No. E/551/1/2020-RTI

18 May 2020


Subject: Information sought under Right to Information Act, 2005

Sir,

Please refer to your RTI application dated 16 April 2020 addressed to Ministry to RTI cell, Ministry of External Affairs, New Delhi, received by this Division on 11 May 2020. This Ministry's response has been sought with respect to point no. 9, 10, 11, 15 & 18.

2. The information with respect to point no. 9, 10 & 11 of your query is not available with the undersigned CPIO and the same is being transferred to Embassy of India (Eol) Beijing for necessary action at their end.
3. The information with respect to point no. 15 of your query is not available with the undersigned CPIO and the same is being transferred to Bureau of Immigration for necessary action at their end.
4. In so far as point no. 18 is concerned, regular updates have been received from Eol Beijing on the evolving situation of COVID-19 in China. These were shared with the relevant department of Government of India. Details regarding this can not be shared by the undersigned CPIO in accordance with the provision of clause 8 (a) of RTI Act, 2005.
5. If you are aggrieved with this reply, you may file an appeal to Dr. Amit Telang, 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,

  
18/05/2020  
(Karthik G. Iyer)

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

CC to:

1. Ms. Deepa Jain, Under Secretary (RTI), MEA, New Delhi
2. Ministry of External Affairs, Embassy of India Beijing [Ms. Geetika Srivastava, Counsellor (HOC & Culture), Eol Beijing- No. 5, Liang Ma Qiao Bei Jie, Chaoyang District, Beijing, China]
3. Ministry of Home Affairs, Bureau of Immigration [Shri Rajeev Ranjan Verma, Commissioner (Immigration)- East Block-VIII, Level-V, Sector-1, R.K. Puram, New Delhi-110066]

**RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)**

<b>Registration Number</b> (पंजीकरण संख्या) :	MOEAF/R/X/20/00019/1	<b>Date of Receipt</b> (प्राप्ति की तारीख) :	16/04/2020
<b>Transferred From</b> (से स्थानांतरित):	Ministry of External Affairs on 11/05/2020 With Reference Number : MOEAF/R/X/20/00019		
<b>Remarks</b> (टिप्पणी) :	Information is also concerned with NCDC		
<b>Type of Receipt</b> (रसीद का प्रकार) :	Electronically Transferred from Other Public Authority	<b>Language of Request</b> (अनुरोध की भाषा) :	English



<b>Status</b> (स्थिति)(Rural/Urban) :	Urban	<b>Education Status</b> :	Graduate
<b>Requester Letter Number</b> (निवेदक पत्र संख्या) :	Details not provided	<b>Letter Date</b> :	Details not provided
<b>Is Requester Below Poverty Line ?</b> (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	<b>Citizenship Status</b> (नागरिकता)	Indian
<b>Amount Paid</b> (राशि का भुगतान) :	0 (Received by Department of Health & Family Welfare) (original recipient)	<b>Mode of Payment</b> (भुगतान का प्रकार)	Payment Gateway
<b>Does it concern the life or Liberty of a Person?</b> (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	<b>Request Pertains to</b> (अनुरोध निम्नलिखित संबंधित है) :	US (China)
<b>Information Sought</b> (जानकारी मांगी):	for point no. 9, 10, 11, 15, 18.		
<b>Original RTI Text</b> (मूल आरटीआई पाठ):	Please find attached. The Nodal officer is requested to transfer this RTI URGENTLY since it is a matter under threat to LIFE AND LIBERTY under section 7(1) of the RTI Act.  The Officer is also requested to alert the concerned CPIO of this RTI once it is transferred to him/her so that the answers are furnished AS SOON AS POSSIBLE WITHIN 48 HOURS.		

**RTI APPLICATION UNDER THREAT TO LIFE AND LIBERTY**

15.04.2020

To,

*The CPIO CONCERNED,*

*Ministry of Health*

Dear CPIO,

Please take note of the fact that I, [REDACTED], have invoked my statutory right under Section 7(1) of the RTI Act which reads as follows-

*7. Disposal of request.—*

*(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub--section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9: Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request."*

As per the Hon'ble Central Information Commission's order in the matter of Venkatesh Nayak vs Department Of Defence File no. CIC/MODEF/A/2018/150559/SD, the information is being asked under Section 7(1) on the locus of being directly concerned about the general public and my family. There is a serious apprehension of threat to the life of all such people.

You are requested to kindly provide the information within and no later than 48 hours from the time of receipt of this RTI.

**P.T.O**

Under the provisions of the RTI Act, kindly furnish the following-

1. The date when the Government of India FIRST received information on the coronavirus/Wuhan Virus/virus affecting China. A copy of the communication/report be furnished.
2. Whether any communication was received by the Government of India about a possible pandemic like situation in India between the period of November 2019 to March 2020. If so, a copy of the report/communication be furnished.
3. A copy of the minutes of the meeting that took place to look into the possibility of declaring coronavirus a health emergency or not between the period of March 05 to March 14 2020. Copies of the reports/communications/memos relating to such declaration of health emergency by any officers/experts be furnished as well.
4. Whether the Government of India/any of its ministries or departments had received warnings/alerts/communication from the World Health Organisation on the possibility of coronavirus affecting India. If so, the date of the communication(s) along with the copies of the communication(s) be furnished.
5. In relation to point 4, a copy of the action taken on such a communication be furnished along with a copy of file notings.
6. Whether any internal reports on a possibility of a pandemic like situation arising in India was communicated within the Ministry or its departments. If so, furnish a copy of the same along with dates and action taken details. Furnish the file notings as well.
7. Whether the Ministry/its departments had received any intelligence information on the coronavirus/possible pandemic/Wuhan virus/China Virus/influenza-like disease originating from China possibly affecting India in future. If so, the details thereof, including the date on which such information was received.
8. In relation to Point 7, kindly furnish a copy of the report along with the action taken on the report. File notings be also furnished.
9. Whether the Government of India/this Ministry or its various departments communicated with China on their coronavirus situation. If so, the details of the communication, nature of communication be furnished along with all the dates.

10. Whether the Government of India/this Ministry or its various departments sought China's assistance in getting the sample of Virus. If so, on which date and consequent actions and reply received be furnished.
11. Whether the Government of India/this Ministry or its various departments requested China for sharing Virus genetic sequence. If so, the details thereof including the date and subsequent response and action taken.
12. The date on which the Ministry of Health first communicated with the Prime Ministers Office on a possibility of this virus affecting India. The date be furnished. Copies of the communication be furnished as well.
13. The date on which the issue of inadequate Personal Protective Equipment was discussed in the Ministry. Furnish copy of the minutes of the meeting and subsequent action taken. File notings be furnished.
14. Whether additional funds were sought on fight against the virus. If so the date on which the first request and subsequent requests were made and to whom be furnished.
15. Whether the Ministry proposed a ban on incoming Chinese citizens to India. If so, the details including date of first request/proposal be furnished.
16. Whether the ICMR received any reports/communications/internal warnings/memos/internal reports during the period of November 2019 to March 2020 about the possibility of a pandemic like situation in India due to the virus. If so, the copy of the communication along with date be furnished. All such communications be furnished with dates.
17. In relation to point 16, furnish the action taken on each such communication.
18. Whether the Government of India/this Ministry or its various departments was monitoring the situation in China and its possible effects on India. If so, the details be furnished along with the date when such monitoring started.

**KINDLY NOTE-**

Further,

1. The Hon'ble Commission vide order no- CIC /SG/A/2008/00347+00277/1554 noted the following-

***"The RTI act does not state that queries must not be answered, nor does it stipulate that prefixes such as 'why, what, when and whether' cannot be used."***

2. Most importantly please note-

*"Section 2 (f) of the act states, "information" means any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"*

The Commission then ordered-

**"if there are no records about any of the above points, the PIO must state this categorically."**

3. This effectively means that the PIO **CANNOT** deny information merely because they are prefixed with 'whether', in this case. All the information sought for in the RTI application form part of the records of this Public Authority. **And when such information form part of the records of the PA, the PA is mandated to divulge the same without any unwarranted excuses. If the information is not contained in the records, the public authority may state so categorically. But do remember, that in case the records are found to be available at a later date, the officer will be liable for proceedings under Section 20(1) and Section 20(2) of the RTI Act.**

Kindly keep all the contentions and judgments in mind before deciding on the RTI as it relates to life, liberty and human rights of the applicant. The CPIO must mandatorily adhere to the 48 hour deadline under the RTI Act, failing which the applicant will be forced to move the Hon'ble Commission.

**In case a little more time is required by the officer, he/she may inform me about the same. I will be more than willing to co-operate.**

Thank you