

GOVERNMENT OF INDIA  
MINISTRY OF EXTERNAL AFFAIRS

भारत सरकार  
विदेश मंत्रालय, नई दिल्ली

NO. **No.AII/551/18/15**

New Delhi the **19-08-2015** 20

**To**

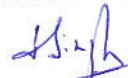
**Shri Prashant Reddy T.,  
Advocate,  
C/O : Lex One Partners,  
E-19, LGF,  
Jungpura Extension,  
New Delhi – 110 014**

**Subject : Providing Information as per the order of FAA/Joint Secretary(WA)**

**Sir**

The undersigned is directed to provide the copy of the e-mail dated 2-06-2009 received from High Commission of India in Abuja (Nigeria) by FAA/Joint Secretary(WA) vide order dated 14-08-2015. The same is sent herewith for your information.

**Yours faithfully,**



**(Jasvinder Singh)  
Deputy Secretary(WA)/CPIO  
West Africa Division  
JNB, 23-D, Janpath,  
New Delhi-110 001**

**Encl a/a (1)**

**Copy to:**

1. Under Secretary (RTI), MEA .
2. DS (DD), MEA.
3. Publicity Officer (XMM), MEA.

secywest

From: "Secretary to Indian HC Abuja (Nigeria)" <pshc@indianhcabuja.com>  
 To: <csoffice@nic.in>  
 Cc: <secywest@mea.gov.in>; <secy-pharma@nic.in>; <js-pharma@nic.in>;  
 <ashishkundra@hotmail.com>  
 Sent: Tuesday, June 02, 2009 8:58 PM  
 Attach: NAFDAC Press Release.doc  
 Subject: Indian generics in African market.

(Released under RTI Act)

High Commissioner

June 2, 2009

No.HCI/LOA/202/1/2001

Dear Commerce Secretary,

In connection with recent correspondence on "Indian generics in African market", I enclose a press release issued yesterday by NAFDAC, Nigerian government regulator, stating that a large consignment of fake anti-malarial generic pharmaceuticals labelled "Made in India", had in fact been produced in China.

I have spoken today with Dr Paul Orhii, DG, NAFDAC who said that continued Nigerian preference for generic medicines makes such fake cases more common. But he expressed NAFDAC's determination to curb circulation of substandard fake medicines.

While this is case of a Chinese company exporting fake "Made in India" labelled medicines has been accidentally exposed, it is unlikely to be an isolated incident. Indeed, there is no reasons for Nigeria to be the only country receiving such consignments.

Fake foreign-made generic medicines carrying 'made in India' label can do tremendous harm to our interests. It does not only dents our image and takes away our legitimate market share, it also erodes the distinction between generic and fake medicines that we have been campaigning for at WHO and WTO. Various messages from yourself and letters dated April 30 2009 from Hon'ble CIM to two Ministers in Nigeria refer.

In view of seriousness of this case, it is being brought to your notice for information and evolving suitable countermeasures. I would be grateful for your comments in this regard.

With regards,

Yours sincerely,

(Mahesh Sachdev)

Shri G K Pillai  
 Commerce Secretary  
 Ministry of Commerce and Industry  
 New Delhi

Copy to:

(i)  
(ii)

Shri Nalin Surie, Secretary (West), Ministry of External Affairs, New Delhi.  
 Shri Ashok Kumar, Secretary, Department of Pharmaceuticals, New Delhi.

7/3/2009



To

August 4, 2015

Mr. Sanjiv Kohli,  
Joint Secretary (West Africa)  
& First Appellate Authority,  
Ministry of External Affairs,  
Jawaharlal Nehru Bhawan,  
23-D, Janpath, New Delhi - 110011

Dear Sir,

**Sub: Appeal against the provision of incorrect information by CPIO Jasvinder Singh**

You are please requested to consider this petition as an appeal under the provisions of the Right to Information Act, 2005 against the order of Mr. Jasvinder Singh, the Central Public Information Officer (CPIO), Ministry of External Affairs (MEA) providing me incorrect information under the RTI Act.

**A. Background Information**

Since this particular RTI application has a history spanning three different Ministries, I will provide a brief timeline below along with a description of each stage.

- (i) April 6, 2015: The applicant filed a RTI application with the Ministry of Health and Family Welfare requesting photocopies of a letter referred to by the Minister of Health in Parliament in December, 2013 while responding to Q.77 on the issue of fake anti-malarial medicine bearing the 'Made In India' mark. The letter was apparently sent from the Indian High Commission in Abuja to the Government of India. On receipt of the RTI Application the Ministry of Health & Family Welfare transferred the RTI Application to the Ministry of Chemicals & Fertilizers on the grounds that the answer to the Parliamentary question was provided by the Ministry of Chemicals & Fertilizers.
- (ii) April 21, 2015: The CPIO from the Ministry of Chemicals & Fertilizers responded to the RTI Application and denied me the information under Section 8(1)(h) of the RTI Act.
- (iii) June 4, 2015: The applicant filed an appeal with Shri. A.K. Chaudhary who is the Appellate Authority under the RTI Act, in the Ministry of Chemicals & Fertilizers.
- (iv) June 25, 2015: Shri. A.K. Chaudhary ruled that a copy of the letter from the Indian High Commission in Nigeria could be provided to me with the concurrence of the Ministry of External Affairs.

(v) July 3, 2015: I filed the current RTI Application with the MEA, along with the order of Shri A.K. Chaudhary requesting the following information, along with the caveat that the CPIO may invoke Section 10 to redact other un-related information if the same was thought to be confidential:

*(a) The letter in June, 2009 from the High Commission in Abuja, Nigeria that was mentioned by the Minister in the Rajya Sabha in response to Question 77.*

*(b) The second letter in July, 2011 also from High Commission in Abuja, Nigeria that is mentioned by Mr. Chaudhary in the attached letter.*

(vi) August 3, 2015: The CPIO of the MEA passed the order currently under appeal providing me with a printout of a press release of a Nigerian drug agency.

### **B. Grounds of Appeal**

The CPIO has clearly not understood the queries raised in my RTI Application. I very clearly requested for copies of the two letters dated June, 2009 and July, 2011 from the High Commission in Abuja, Nigeria. I did not ask for a copy of the Press Release as the same is already publicly available. I am unable to understand why the CPIO has provided me with a copy of the press release.

### **C. Prayer**

You are kindly requested to direct the CPIO to provide the copies of the letter from June, 2009 and July 2011 from the High Commission in Abuja, Nigeria, both letters deal with the issue of fake medicine being sold in Africa under a 'Made in India' tag.

Please note that if this information is denied to me once again by this Ministry I will have no option but to highlight the same before the appropriate forums.

Warm Regards,



Prashant Reddy T., Advocate,  
C/O: Lex One Partners, E-19, LGF,  
Jungpura Extension,  
New Delhi 110014.  
Email: preddy85@gmail.com