

In the Central Information Commission

at

Delhi

New

File No: **CIC/AD/A/2011/000853**

Date of Hearing : **May 26, 2011**

Date of decision : **May 26, 2011**

Parties:

Appellant

Ms. Hazra Bee
H.No.384, Gali No. 2,
J P Nagar,
Bhopal, MP-462018

Represented by: Appellant was present in person

Respondent

1. The PIO,

Directorate General of Health Services

O/o the DCG(I)

New Drug Division, FDA Bhawan,

New Delhi

2. The Appellate Authority,

Directorate General of Health Services

O/o the DCG(I)

New Drug Division, FDA Bhawan,

New Delhi

Represented by: Respondents were not present at the hearing.

Information Commissioner : Mrs. Annapurna Dixit

Decision Notice

As given in the decision

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ORDER

Background:

1. The Applicant filed an RTI dt.11.10.10 request with the PIO, Mr A B Ramteke, Joint Drugs Controller(India), Central Drugs Control Organisation, Directorate General of Health Services, seeking the following information:

- "I. Provide copies of all correspondences between between the PIO's organisation and Quintiles Transnational Corp from Jan 2000 to Oct 2010.*
- I. Provide copies of all correspondences between his organization and Bhopal Memorial Hospital Research Centre from the period of Jan 2000 to Oct 2010.*
- II. Provide names of all companies and drugs that were conducting drug trials in collaboration with Bhopal Memorial Hospital Research Centre for the period of Jan 2000 to Oct 2010.*
- III. Provide copies of all correspondence in relation of the investigation of the drug trial conducted by the Quintiles Transnational Corp from 2000 to 2010.*
- IV. Provide file inspection of all files relating to the drug trials being conducted at Bhopal Memorial Hospital research Centre and file inspection of any files to any other aspect of BMHRC."*

On not receiving any reply, the Applicant filed her first appeal with the Appellate Authority on 24.11.10 seeking the same information as mentioned in her RTI Request. The PIO replied on dt.2012.10, after the first appeal had already been filed. He provided pointwise information while stating that against items 4 and 5 that one Dr. Pradeep Bhattacharya (Principal Investigator) and M/s Quintiles Ltd, Bangalore (CRO) were asked to explain position vide letter dt. 28.9.10 against which M/s Quintiles Ltd, Bangalore (CRO) had submitted their reply on 19.10.10, which is under examination. Being aggrieved with this reply the Applicant filed a second appeal dt.25.2.11 reiterating his request for the information once again.

Decision

2. The Appellant in the 2nd appeal contended that some unethical drug trials had been conducted by Bhopal Memorial Hospital Research Centre on Bhopal Gas victims in which 11 people had died. It was also contended that the requested information was deliberately being withheld from her. While explaining her contention the Appellant stated that the PIO has given contradictory replies against two points. While against the first point he had stated that there has been no correspondence between the Directorate and Quintiles Transnational Corp, in his reply to points 4 and 5 he has stated that M/s Quintiles Ltd, Bangalore (CRO) had submitted a reply on 19.10.10 which is under examination. The Appellant therefore requested for inspection of all the files concerning the drug trials as sought in the RTI application.

3. It is evident from the PIO's reply that there was some exchange of information between DGHS, Dr. Pradeep Bhattacharya (Principal Investigator) and M/s Quintiles Ltd and hence there is no doubt of the fact that these communications would be available in a file. Hence the Commission fails to understand why the PIO has denied the existence of any file/ or of exchange of any kind of information in the reply dt.20.12.10 against point no. 1 of the RTI request.

4. In the light of this observation, the Commission directs the PIO to allow the Appellant to inspect the file/s or communication concerning the said drug trials and to provide the copies of the documents identified by the Appellant, to her free of cost. The Commission also directs the PIO to provide an affidavit to the Commission with a copy to the Appellant affirming the fact that all the information, as available with the Public Authority, has been provided by the PIO. The PIO to also include in the affidavit the fact that no further correspondence concerning the investigation of the said drug trials other than those inspected by the Appellant is available in their records.

5. The affidavit/information may be furnished by 30 June, 2011.

6. The Commission also directs the concerned PIO to show cause as to why a penalty of Rs.250/- per day (Maximum Rs.25000) should not be levied on him for not responding to the RTI application within the stipulated time period as prescribed in the RTI the Act. He may submit his written response to the Commission by 2.7.11. PIO to also explain the reasons for his absence at the hearing held in the Commission on 26.5.11.

(Annapurna Dixit)
Information Commissioner

Authenticated true copy

(G.Subramanian)
Registrar

Deputy

Cc:

1. Mr. Hazra Bee
H.No.384, Gali No. 2,
J P Nagar,
Bhopal, MP-462018
2. The PIO,
Directorate General of Health Services
O/o the DCG(I)
New Drug Division, FDA Bhawan,
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3. The Appellate Authority,
Directorate General of Health Services
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New Drug Division, FDA Bhawan,
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4. Officer in Charge, NIC