

CENTRAL INFORMATION COMMISSION

Appeal No.CIC/WB/A/2006/00581 dated 2.9.2006

Right to Information Act 2005 – Section 19

Appellant - Shri Vipin Kumar Sonakia
Respondent - Council of Scientific & Industrial Research

Facts:

By an application of 14.4.06 Shri V.K. Sonakia of Padam Nagar, Bhopal made the following request to the CPIO, CSIR New Delhi:

“A photo copy of documents relating to system developed for advance warning of earthquake, which was duly forwarded by DG, CSIR to CBRI Roorkee under the programme of providing encouragement to Scientists having ‘copy right’ for invention declared in Scientific Policy, Citizen Charter and Website of Science & Technology Department, is attached. Kindly arrange to furnish the following information immediately under Right to Information Act:

1. What action was taken on the attached document by your Department? Please provide certified copy of details including note sheet and decisions taken on it.
2. Please provide certified copy of note sheet, correspondence and directions issued to CBRI as also action take by your department on my several previous communications intimating you that CBRI has not given any reply.
3. Does RTI exist in CBRI website? Please intimate.”

To this he received a response from Dr. Daljit Singh Bedi CPIO and Head Unit for Science Dissemination CSIR on 9/10th May,2006 providing the following replies to each of his questions :

- i) You were requested to submit details of system developed by you for scientific analysis and evaluation by N.G.R.I., Hyderabad vide their letter No. 6/41 TNBD dated 2.11.2004, and
- ii) No action could be taken because you failed to response letter of July, 2001 from Director, CBRI and reminder of

Nov., 2001 requesting you to furnish basic principals of the system developed by you.

- iii) Action taken by CBRI, Roorkee in connection with Right to Information Act, 2005 is detailed in the website of CBRI www.cbri.in and www.cbri.org.in.

Subsequently by a letter of 30.5.06 Shri Sonakia received a further letter from Shri J.N. Vaish PIO Central Building Research Institute (CBRI) on 30.5.06 with the following response:

“1&2 Since there appears to be no response to CBRI’s letter No. PA/SED dated 21.11.2001 further action could not be taken in the matter.

- 3. The RTI Act2005 has been placed at CBRI’s website www.cbri.in and www.cbri.org.in

Shri Sonakia, Appellant moved his first appeal before Dr. Naresh Kumar, Appellate Authority and Chief Research & Development Planning Department (RDPD) CSIR Delhi on May 31, 2006 to which he received the following reply on 3.7.06 from Shri Naresh Kumar Appellate Authority CSIR:

In response to my query on your appeal the PIO CBRI Roorkee has informed that:

“The details of technique under question were not received by CBRI; hence further action could not be taken.

I may advise you to please get in touch, in person, with Director, CBRI Roorkee for demonstration of your so called invention/technique.

This demonstration can be carried out **under a non-disclosure agreement**¹ to be signed between you and the laboratory concerned.”

Against this order Shri Sonakia has moved his second appeal before us in which his prayer is as follows:

“CPIO and Appellate Authority have violated RTI Act by not taking any action on Email sent by the applicant on 2.6.01, 22.10.03,

¹ Emphasis ours

20.11.04, intimating CSIR New Delhi that CBRI is not taking any action on his letters as well as on Email sent to them asking for details of action taken and copies of note sheet.

No action was taken against the then Director CBIR Roorkee to wrongly stated that he had not received any letter from the applicant, whereas he had in fact received the letter.

Not providing a chance for the last six years to demonstrate indigenous advance earthquake/tsunami warning scientific system under IPR protection.

Violation of Science and Technology Policy and Citizens Charter.”

The appeal was heard on 24.5.07 through Video Conference. The following are present:

1. Shri V.K. Sonakia, Appellant (from Bhopal)
2. Dr. Naresh Kumar, Appellate Authority
3. Dr. Daljit Singh Bedi, CPIO
4. Sh. Subhash Chander, Scientific Officer

Appellant Shri Sonakia stated that most important part of his request was that he had developed a revolutionary technology which was of value to millions and would place our country at the forefront in terms of earthquake technology. However, the response of the CSIR has been lukewarm if not dismissive despite the importance of his research. It was pointed out to appellant Shri Sonakia that while we respect his concern regarding utilization of his technology by this country, our jurisdiction is limited to ensuring that he receives such information as he seeks. His prayer in appeal before us, as may be seen, in fact does not identify any information that has been sought by him but has not been provided. Shri Sonakia, however, invited our attention to a letter of 27.3.2002 by Shri V.K. Mathur to Shri Rakesh Aggarwal, M.D. OILFED regarding the demonstration of his technique to predict, two years in advance, earthquake, eruption of volcano/storms regretting Shri Mathur's refusal to organize a lecture on the subject in **the absence of a “no disclosure” agreement** on stamp paper. However, Shri Naresh Kumar during the hearing has cited an earlier letter of 8.1.'07 addressed to this Commission by him, clarifying that there is **a clear**

difference between “No disclosure” and “non disclosure” agreements.

While “no disclosure” means not disclosing, ‘non-disclosure’ is a legally accepted term for observing confidentiality of agreements which are signed by two parties. It is in line with this approach that Shri Naresh Kumar had given his decision on 3.7.06 quoted above, with emphasis added.

DECISION NOTICE

The basic issue in this case is the question of entry into a ‘no disclosure’ or a ‘non disclosure agreement’. Shri Sonakia appellant stated that he had already prepared a draft of a ‘non-disclosure agreement’ which has been submitted to CSIR on 24.7.06 on Email and is prepared to enter into an agreement. The Officers of CSIR, however, state that they have not received this draft agreement. Appellant Shri Sonakia is advised to resubmit this draft.

However, this question is not within the jurisdiction of the Central Information Commission. Our task is simply to ensure that information that is held by the public authority is made available to a citizen like appellant Shri Sonakia. In this case, as will be seen, there does not appear to be any information that has been sought, that has not been provided but only a delay on matters of the form of agreement required for appellant to demonstrate his technology to the scientists concerned.

Since the technology claimed to have been developed by Shri Sonakia, no doubt appears to be of revolutionary content, we can at best advise the CSIR to give their full attention to servicing the request of appellant Shri Sonakia. Appellant Shri Sonakia has also requested that the decision of the CIC concerning the CSIR may also be placed on the website of CSIR and this request is endorsed by this Commission.

The appeal is disposed of accordingly. Announced in the hearing.

Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
24.5.2007

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(PK Shreyaskar)
Asst. Registrar
24.5.2007