

# CENTRAL INFORMATION COMMISSION

Room No. – 308, 2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi – 110066.  
Website: cic.gov.in

**File No. CIC/VS/C/2015/000235/KY**

Appellant : Shri Vijay Kumar Sharma  
I-37A, Ground Floor, Lajpat Nagar-II  
New Delhi-110024

Public Authority : The CPIO  
M/o. Textiles, Wool & Woollens Export Promotion Council,  
614, Indraprakash Building, 21 Barakhamba Road,  
New Delhi-110001

Date of Hearing : 01.09.2016  
Date of Decision : 01.09.2016

## Presence:

Appellant : Shri Vijay Kumar Sharma  
CPIO : Shri Suresh Thakur, Asst. Secretary

## FACTS:

- I. Vide RTI application dated **01.05.2015**, the appellant sought information on **14 issues**.
- II. CPIO, vide its response dated **22.05.2015 & 29.05.2015**, has provided the information to the Appellant on point no 13 and 14.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), is not on record.
- V. Grounds for the Complaint filed on **22.06.2015**, are contained in the Memorandum of Complaint.

## HEARING

Appellant as well as respondents appeared before the Commission personally and made the submissions at length.

## DECISION

At the outset, it is stated here that as per the contents of prayer clause as embedded in the instant petition, **it is a case of second appeal**. However, the Central Registry registered it **wrongly as a complaint for the reasons best known to them**. Thus, it is being dealt with as **second appeal** and not as complaint.

2. It would be seen here that the appellant, vide his RTI Application dated **01.05.2016**, sought information from the respondents on **14 issues**. Respondents, vide their response dated

**22.05.2015**, allegedly provided the required information to the appellant, against issue no. 14 only. However, denied the required information to the appellant, against remaining issues by informing him as under:

*“The information asked under point 1 to 13 doesn’t come under RTI Act since the Council is liable to give information regarding specific projects funded by the Government.”*

3. Further, Shri Santosh Kumar, CPIO & Director, vide his subsequent response dated **29.05.2015**, provided the required information to the appellant, against issues no. 13 & 14, by informing him as under:

*“**Point 13** – No such instruction has been issued by this Department. The MDA Scheme is available at this Department’s website ([www.comerece.nic.in](http://www.comerece.nic.in) – Trade Promotion – Trade Promotion Assistance)*

***Point 14(I)** – The relevant file is under submission for finalization of MDA allocation to eligible agencies for the year 2015-16.*

***Point 14(II) and 14(III)** – The information sought by you pertains to WWEPC. These points of your application are, therefore, being transferred to WWEPC.”*

4. Furthermore, during hearing of the appeal, it is submitted by Shri Suresh Thakur, Asst. Secretary, that information sought by the applicant was pertains to the internal functioning of the Council for which the Council is not liable to give information as per Hon. CIC’s earlier order dated **11.10.2011 dealt in File no. CIC/LS/A/2011/002022 in the case of Mr. Ashish Wadhawan vs. Export Promotion Council for Handicrafts.**
5. For the purpose of clarity, it would be appropriate and even justified to quote the relevant Para of CIC’s earlier order dated **11.10.2011**, which reads as under:

*“**10.** It may be apt to mention that a similar issue had come up before this Commission in File No.CIC/LS/A/2011/002167; File No.CIC/LS/A/2011/002165 & File No.CIC/LS/A/2011/002174 as to whether Ahmedabad Textile Industries Research Association, North India Textile Association and Indian Jute Industries Research Association were 'public authority' in terms of section 2 (h). The Commission had decided this matter vide decision dated 4.10.2011 in which the validity of the Office Memorandum issued by the Ministry of Textiles was upheld. Para 12 of the order is extracted below :-*

*"12. We may observe that the organisations under reference are research organizations. They are partly funded by the Ministry of Textiles, for undertaking research work in textile related projects. In addition to this, these organisations also take work from the open market. They also render*

*consultancy services to the private sector. Thus, the sources of income of these organisations are two fold - i.e*

*(a) Those emanating from by the Ministry of Textiles, and, (b) funds generated by them at their own level. From the Office Memorandum extracted above, it is clear that the Ministry of Textiles has taken into account this important fact while issuing it wherein it has limited the liability of these organizations under the RTI Act to the extent of specific projects funded by it. In our opinion, the view taken by the Ministry of Textiles cannot be said to be unfair or capricious. We, therefore, hold that the NITRA & ATIRA are liable to service the RTI Act to the extent of the specific projects funded by the Central Government"*

**11.** *The ratio of the above decision squarely applies in the present case. In other words, EPCH is declared to be a public authority u/s 2 (h) of the RTI Act limited to the extent of specific projects financed by the Central Government. The implications of this would be that EPCH will be liable to respond to those queries under the RTI Act which specifically relate to the projects funded by the Central Government and, by implication, it will not be liable to answer other queries. Ordered accordingly.*

**12.** *EPCH is hereby directed to take consequential action by way of appointing CPIO and AA. The CPIO so appointed will pass an appropriate order in the present case in the light of the order of this Commission. If the appellant is aggrieved with the decision of the CPIO, he will be at liberty to move this Commission again."*

6. By virtue of the position above, the Commission feels that the Hon. CIC has already **declared Export Promotion Council for Handicrafts (EPCH), a Public Authority**, as defined under Section 2(h) of the RTI Act 2005, **limited to the extent of specific projects financed by the Central Government**. As such, respondents i.e. Export Promotion Council for Handicrafts (EPCH) are not under legal obligation to provide the required information to the appellant on his RTI application dated **01.05.2015**.
7. The Commissioner heard the submissions made by appellant as well as respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **01.05.2015**, respondent's responses dated **22.05.2015 & 29.05.2015**, other material made available on record including respondent's written submissions dated **31.08.2016**, Hon. CIC's earlier orders dated **04.10.2011 & 11.10.2011** and also the grounds of memorandum of second appeal.
8. In view of the **factual matrix** and **case-law** referred to above, this bench also concurs with the views of earlier Hon. CIC's decisions dated **04.10.2011 & 11.10.2011**. Further, the Commission is of the considered view that the respondents have provided the required

information to the appellant in terms of **Section 2(f) of the RTI Act 2005**. In view of this, the Commission feels that the appellant's second appeal becomes **redundant** in this regard. Thus, the appellant's second appeal deserves to be **dismissed**. Therefore, it is **dismissed**.

The Appeal is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

M/o Textiles, Wool & Woollens Export Promotion Council,

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