

**CENTRAL INFORMATION COMMISSION**  
**BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067**

Appeal No.24/ICPB/2006  
June 5, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Name of Appellant : Shri N. Anbarasan, Bangalore.

Name of Public Authority: National Informatics Center  
Shri B.V. Sharma-CPIO  
Shri R.P.Saxena-Appellate Authority

**Decision**

**Parties Present**

Dr. R.P. Saxena, DDG, NIC  
Shri Sarup Datta, Scientist, NIC  
Shri Ashok Kumar  
Dr. Kashi Nath, Sr. Technical Director  
Ms. Sudha Kumari, Technical Director  
Shri A. Venkatesan, Sr. Technical Director  
Shri B.V. Sharma, CPIO

**Facts**

1. By a letter dated 13.12.2005 to the CPIO, NIC, Bangalore, the appellant sought for certified copies of, in a nutshell, the following :

- (1) Files, documents and records relating to development of web sites or web based applications from various departments of Karnataka together with all correspondence, cost details etc.
- (2) Files, documents and records relating to software developed by various departments of Karnataka together with correspondence, features of software developed etc.
- (3) Files, documents and records related to requirement and implementation of Kannada with respect of encoding and fonts in the web pages, web based applications and software.
- (4) Statements of financial break-up of all funds received from the Government of Karnataka.
- (5) Statement of department-wise requests, payments received, successful completed projects, failure of the projects etc.

2. In addition, he had also sought for information that has to be maintained by the public authority in terms of Section 4 of the Act.

3. By a communication dated 31.12.2005, the CPIO informed the appellant that under Section 8(d) of the Act, the development of web sites/web based applications are considered as software covered under intellectual property rights which cannot be disclosed (specially because the appellant himself is a software developer). In so far as fund allocation is concerned, the appellant was asked to approach the Government of Karnataka. In so far as information under Section 4 is concerned, the appellant was informed that all the information was available on the web site. Aggrieved with this decision, he filed an appeal on 2<sup>nd</sup> Feb. 2006 to the appellate authority who has concurred with the decision of CPIO by a communication dated 22.2.2006.

**GROUND OF APPEAL:**

4. The appellant believes that in terms of the Copyright Act, the documents sought for cannot carry any intellectual property rights as these cannot be patented since in no way could these be considered as inventions. He has advanced various other grounds also, finally seeking for inspection of all the documents as sought for by him.

**DECISION:**

5. Comments were called for from NIC and the appeal was heard on 2.6.2006 when the appellant was not present. The representatives of the public authority explained in detail the functions of NIC. According to them, the appellant himself is a vendor and all software development done in NIC and related information is IPR work of NIC and cannot be shared with any vendor who is its competitor. It was also explained that NIC is also taking copyright for its software and that documents for the developments are all intellectual property. They also produced a copy of the Memorandum of Understanding with Karnataka Government from which we find that NIC has undertaken to respect information propriety to various State Departments and to provide all mutually agreed safeguards.

6. Having heard the representative of the public authority and going through the material placed before us, we are convinced that the CPIO has correctly applied the provisions of Section 8(1)(d) to decline to provide the information sought for by the appellant and accordingly dismiss the appeal.

7. Let a copy of this decision be sent to appellant and CPIO.

( DR. O.P. KEJARIWAL )  
Information Commissioner

(PADMA BALASUBRAMANIAN)  
Information Commissioner

Authenticated true copy :

( Prem K. Gera )  
Registrar

Address of parties :

1. Shri B.V. Sharma PIO & State Informatics Officer, National Informatics Centre, 6&7<sup>th</sup> Floor, Mini Tower, Dr. Ambedkar Veedhi, Bangalore 560001.
2. Dr. R.P. Saxena, DDG & Appellate Authority, National Informatics Centre, A-Block, CGO Complex, Lodhi Road, New Delhi-110003.
2. Shri N. Anbarasan, Applesoft, 39, 1<sup>st</sup> Cross, 1<sup>st</sup> Main, Shivnagar, W.C. Road, Bangalore 560010.