



केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/DSPCE/A/2022/122972**  
**CIC/ISROH/A/2022/121760**

Shri Raghu S

... अपीलकर्ता / Appellant

VERSUS/बनाम

1. PIO, O/o DOS, Liquid Propulsion Systems  
Centre, Department of Space,  
Thiruvananthapuram

...प्रतिवादीगण / Respondent

2. PIO, O/o the ISRO, Department of Space  
Bengaluru

Through: Shri Pattabiraman - CPIO/Sr. Head; Smt.  
Suma K - CPIO; Shri Ajit S - Head of Programming  
& Planning; Smt. Vandana K V - Sr. Admnv. Officer;  
Shri Imtiaz - Director

Date of Hearing : 24.05.2023

Date of Decision : 29.05.2023

Chief Information Commissioner : **Shri Y. K. Sinha**

**Relevant facts emerging from appeal:**

*Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.*

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2 <sup>nd</sup> Appeal received on
122972	05.10.2021	29.10.2021	15.11.2021	04.01.2022	17.05.2022
121760	05.10.2021	25.10.2021	16.11.2021	22.12.2021	09.05.2022

**Information sought and background of the case:**

**(1) CIC/DSPCE/A/2022/122972**

The Appellant filed an RTI application dated 05.10.2021 seeking certified copies of expenditure statement of GoI towards the development of Cryogenic Engine Program of ISRO program, alongwith file notings.

Copy to : 1. Controller - for kind information and request to update records  
2. DPO, ARSC - for records, Pl.  
3. UD, NSA

5/6/23  
CPIO/ARSC  
KORUB.

The PIO, Liquid Propulsion Systems Centre, Department of Space vide letter dated 29.10.2021 replied as under:-

Please refer to your online RTI application bearing registration No LPSCV/R/T/21/00018 dated 11.10.2021 received on transfer from CPIO, URSC and communication No. CPIO:URSC:RTI:2021:114 dated 08.10.2021 from CPIO, URSC forwarding therewith the above application for providing information under the RTI Act, 2005. The information sought for by the applicant i.e. certified copies of expenditure statement of GOI towards the development of Cryogenic Engine Programme of ISRO program, along with file notings, obtained from the custodian of records at LPSC is disseminated as below:

Cryogenic Technology development is highly technologically challenging and strategic activity involving multiple ISRO centres and facilities. Such information related to Strategic/ Scientific interest of the State and are exempted from disclosure u/s 8(1)(a) of RTI Act, 2005.

द्रव मोदन प्रणाली केंद्र की प्रथम अपील प्रार्थिका श्रीमती के एन सरस्वती, नियंत्रक, एलपीएससी, वलियमला पीओ, तिरुवनंतपुरम-695547, दूरभाष-0471-2567715/7399, फैक्स नं.0471-2567899, ई मेल: faa@lpsec.gov.in है। सूचना अधिकार के धारा 19(1) के अधीन यदि कोई अपील है तो, इस पत्र की प्राप्ति तिथि से 30 दिनों के अंदर प्राथमिकता दी जाएगी।

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 15.11.2021. The FAA/Controller, Department of Space vide order dated 04.01.2022 upheld the PIO's reply and noted as under:-

2. It is observed that the appellant had sought information regarding certified copies of expenditure statement towards the development of Cryogenic Engine Programme of ISRO along with file notings. On examination of the case, I am of the opinion that, reply furnished by CPIO vide letter No. CPIO:DOS:RTI:2021-402/00018 dated 29.10.2021 is in order. The appeal is decided accordingly.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

#### **Facts emerging in Course of Hearing:**

A written submission dated 05.04.2023 has been received from the CPIO, Liquid Propulsion Systems Centre, Department of Space, Valiamala reiterating their averments in great details, contending as under:

The information sought by the appellant i.e. cryogenic development for Space program is a Strategic and Scientific activity of the highest order ever taken up by ISRO and India. It implies that the information sought (certified copies of expenditure statement of GoI towards the development of Cryogenic Engine programme of ISRO along with file notings) is exempted u/s 8(1)(a) of the Act. The specific provisions like Section 8(1)(a) implies the reasons for denial. Hence, there was no malafide intention on the part of the CPIO. Regarding the arguments of the appellant that the information has not been provided within the time limit is also baseless.

A copy of the submission has been duly marked to the Appellant.

The Appellant has also filed his submission stating as under:

5.It is also in larger public interest that the information would shed light on the ISRO expenditure incurred on procuring hard to find/obsolete products under public procurement process. The claim that National applications implications would be effected is also far from the truth , as various < 25 cm resolution space images are available in the public domain,while 2M resolutions of ISRO imagery is difficult to obtain even after paying the requisite fee . Therefore the disclosure of the information while bringing savings to the nation's space tech development,will propel the nation to the sets goals in timely manner . Overall it can be stated the C.P.I.O is unaware of the strategic & scientific requirements of the nation and is withholding the information , as it would expose the wasteful expenditure of government of India / Tax payers money .

### (2) CIC/ISROH/A/2022/121760

The Appellant filed an RTI application dated 05.10.2021 which was responded to by the CPIO, ISRO vide letter dated 25.10.2021 as under:-

Sl.No.	Query	Reply
01	Certified copies of agreement between Department of Space ISRO and ROSCOSMOS for Human Space Flight Program along with file notings.	The information sought on certified copies of agreement is exempted from disclosure under section 8(1)(a) & 8(1)(f).

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 16.11.2021. The FAA/Controller, Department of Space vide order dated 22.12.2021 upheld the reply of the CPIO.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

#### **Facts emerging in Course of Hearing:**

A written submission has been received from CPIO-ISRO, HQ vide covering letter dated 10.04.2023, relevant excerpts of the submission being as under:

The aforesaid agreements /contracts between Department of Space represented by Human Space Flight Center and Joint Stock Company (JSC) GLAVKOSMOS are undertaken as part of Memorandum of Understanding (MoU) between Indian Space Research Organisation (ISRO) and State Space Corporation ROSCOSMOS. Both ROSCOSMOS and JSC GLAVKOSMOS are Russian Government Entities. These contracts/agreements are not commercial contracts (as claimed by Appellant) but are Inter-agency or Inter-governmental agreements.

Under the framework MoUs, both the parties are obliged towards protection of Intellectual property, exchange of information and measures of technology protection for pursuing activities under the scope of MoU.

These contracts are typically annexed with Technical and financial proposal, which contain the technical specification/information pertaining to scope of contract / items to be procured /sharing of the technical inputs as well the contract prices arrived after negotiations among the parties.

The contracts also contain "Confidentiality Clause" which both parties have signed. This bars the parties from sharing any confidential information associated with the contract to any third party.

Hearing was scheduled through virtual means after giving prior notice to both the parties. Both parties attended the hearing through video conferencing and reiterated their respective contentions as noted in their pleadings discussed hereinabove. The Respondents relied upon the written submissions mentioned hereinabove, justifying the reason for denial of the information.

**Decision:**

Since the substantive queries in both the appeals are akin to each other, hence the appeals are decided by a common order. Upon perusal of records of the aforementioned cases, the Commission is satisfied with the detailed and self explanatory submissions filed by the Respondents in both cases. It is noted that while a copy of the written submission dated 05.04.2023 filed by the CPIO, Liquid Propulsion Systems Centre, Department of Space, Valiamala has been sent to the Appellant, a copy of written submission dated 10.04.2023 filed by the CPIO-ISRO, HQ has not been sent to the Appellant. Hence, it is hereby directed that a copy of the written submission dated 10.04.2023 must be supplied to the Appellant, within two weeks of receipt of this order. No further intervention is warranted in this case, under the RTI Act, in the light of the above discussion.

The appeals are disposed off accordingly.

Sd/-

**Y. K. Sinha** (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)

Dy. Registrar (उप-पंजीयक)

011-26186535



Copy to:

The CPIO  
Department of Space  
Liquid Propulsion Systems Centre  
Valiamala P.O.,  
Thiruvananthapuram - 695547

The CPIO  
U.R. ISAC,  
Bengaluru - 560001  
Karnataka

The CPIO  
Indian Space Research Organisation  
Antariksh Bhavan,  
New BEL Road,  
Bengaluru - 560231.

Shri Raghu S  
14, SBI Officer Colony,  
Basaveshwaranagar,  
Bengaluru - 560079

