केन्द्रीयसूचनाआयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2022/626546**

Shri Samir Sardana ... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO, Bhabha Atomic Research Centre ...प्रतिवादीगण /Respondent

Date of Hearing	:	11.01.2024
Date of Decision	:	12.01.2024
Chief Information Commissioner	:	**Shri Heeralal Samariya**

Relevant facts emerging from appeal:

RTI application filed on	:	02.03.2022
PIO replied on	:	30.03.2022
First Appeal filed on	:	05.04.2022
First Appellate Order on	:	06.05.2022
2nd Appeal/complaint received on	:	12.05.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 02.03.2022 seeking information on the following points:-

"IAEA stocks (declared by BARC)
PIO to state the stocks of Pu Reactor Grade, declared to the IAEA on the date of introduction of safeguards
PIO to state the stocks of Pu Non-Reactor Grade declared to the IAEA on the date of introduction of safeguards
PIO to state the stocks of HEU declared to the IAEA on the date of introduction of safeguards
PIO to state the stocks of MEU - 20% U-235, declared to the IAEA on the date of introduction of safeguards

Security
PIO to state whether the Rare Materials Project and the Special Material Enrichment Facility, have been subject to a cyber attack, and if so, the year of the same
PIO to state whether any of BARCs facilities (besides the above), have been subject to a cyber attack, and if so, the year of the same

He also sought information about co ordinates, operations, centrifuges, output and capacity of projects that involved Rare Materials, Special Material Enrichment Facility, their operations etc.

DEO(I&W)
AO(SLR)
15/1/24 Smt. Geeta
22.01.2024

The PIO vide letter dated 30.03.2022 replied as under:-

> *"1,3, 5-7, 9-10. Information sought by the applicant is strategic in nature, Hence exempted from disclosure under section 8(1)(a)) of the RTI Act, 2005.*
>
> *2. Information sought is not in material form.*
>
> *4, 6, 8 Information sought is not clear, Viz: FY-2021, FY-2022 etc.*
>
> *Etc."*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 05.04.2022. The FAA vide order dated 06.05.2022 upheld the reply of the PIO stating that the information sought by the Appellant relates to various scientific, technical and research aspects of the Indian Nuclear Power Programme and is regarded as highly technical, confidential and sensitive in nature, disclosure whereof ahs direct bearing on national security, strategic and scientific interest. The FAA has also cited the Section 18(c) of the Atomic Energy Act, 1962 stating that Central Government by order may restrict disclosure of information about any process operated or proposed to be operated in any such existing or proposed plant and Section 18 (2) (b) read as *"No person shall disclose, without the authority of the Central Government, any such information obtained in the discharge of any functions under this Act or in the performance of his official duties."*

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

Facts emerging in Course of Hearing:

A written submission dated 05.01.2024 has been received from the PIO, BARC reiterating the aforementioned reply dated 30.03.2022 and the detailed self explanatory order dated 06.05.2022 passed by the FAA.

The Appellant has filed detailed written submission which has been duly taken on record.

Hearing was scheduled after giving prior notice to both the parties.

Appellant: Present through Video conference

Respondent: Shri B V Balaji – CPIO and Shri P K Sharma were present from BARC through video conference.

Both parties placed forth their respective contentions in terms of the facts discussed hereinabove. The Appellant contended that he has been wrongly denied information by the Respondent, because it is his contention that provisions of Section 8(1)(a) of the RTI Act are not attracted with respect to the information sought by him.

The Respondent reiterated and re confirmed that information sought by the Appellant cannot be disclosed in public domain without compromising national security or jeopardising strategic and scientific interest of the country. Hence the same had to be denied.

Decision:

Upon perusal of the records of the case and after hearing the respective parties, the Commission is of the considered opinion that reply sent by the Respondent is legally appropriate and well within the terms of the provisions of the RTI Act. Hence, no further intervention is warranted in this case, under the RTI Act.

The appeal is disposed off accordingly.

Heeralal Samariya ([redacted]**)**
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
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