

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/BARCM/A/2019/160428**

Shri Veeraswamy Nallajarla

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO, Bhabha Atomic Research Centre (Mumbai)  
Through: Shri Sriram S - CAO

...प्रतिवादीगण /Respondent

Date of Hearing : 18.08.2021  
Date of Decision : 18.08.2021  
**Chief Information Commissioner : Shri Y. K. Sinha**

**Relevant facts emerging from appeal:**

RTI application filed on : 13.06.2019  
PIO replied on : 10.07.2019  
First Appeal filed on : 05.08.2019  
First Appellate Order on : 16.09.2019  
2<sup>nd</sup>Appeal/complaint received on : 13.12.2019

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

The Appellant filed an RTI application dated 13.06.2019 which was responded to by the CPIO vide letter dated 10.07.2019 as under:-

Date of receipt of Application fee	: 17.06.2019	Draft/Cash/IPO Receipt No:	IPO No. 46C 898497 46C 898498																								
<b>Sl. No.</b>	<b>Information Sought</b>	<b>Information Given</b>																									
1.	Year wise data (Jan 2014 to Jan 2019) on	The information sought is tabulated as under :																									
a.	The number of employees selected by BARC through training school examinations to be appointed as Scientific officers in BARC may please be provided year wise along with the number of persons actually joined during the above mentioned period.	<table border="1"> <thead> <tr> <th>Batch</th> <th>Selected</th> <th>Joined</th> <th>Resigned</th> </tr> </thead> <tbody> <tr> <td>OCES-2014</td> <td>183</td> <td>141</td> <td>5</td> </tr> <tr> <td>OCES-2015</td> <td>184</td> <td>150</td> <td>7</td> </tr> <tr> <td>OCES-2016</td> <td>177</td> <td>148</td> <td>22</td> </tr> <tr> <td>OCES-2017</td> <td>112</td> <td>74</td> <td>9</td> </tr> <tr> <td>OCES-2018</td> <td>142</td> <td>103</td> <td>28</td> </tr> </tbody> </table>		Batch	Selected	Joined	Resigned	OCES-2014	183	141	5	OCES-2015	184	150	7	OCES-2016	177	148	22	OCES-2017	112	74	9	OCES-2018	142	103	28
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b.	Number of officers listed under point 1a, resigned during the above period. Year wise data may please be provided.																										
2.	Titles of Research projects submitted by various groups in BARC for which the recruitment was done in the year 2014 along with the annual reports of these projects completed till date are requested to be provided.	No such information is available.																									
3.	Although BARC is known for its work in Nuclear Science, several projects having societal benefit, which are not related to Nuclear science, are also carried out regularly as per the public information put out by BARC from time to time which includes several technology transfers. Therefore, copies of such meetings or orders passed within DAE/BARC for putting its work force on projects having societal benefit which are not related to Nuclear Science for the years 2014 to 2019 may please be provided, along with the names of signatories to such decisions taken and their designations.	No such orders are available.																									
4.	Year wise budget spent on projects having societal benefit but not related to Nuclear science for the period 2014 to till date may please be provided.	No such information is available. As per section 2(f) of the RTI Act, 2005, the CPIO can provide information which exists in material form.																									

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 05.08.2019. The FAA/Controller vide order dated 16.09.2019 upheld the reply of the CPIO, stating that as per the Apex Court decision in the case of *Aditya Bandopadhyay*, the Act does not cast an obligation upon the public authority to collect or collate information which is not required to be maintained under any law or the rules or regulations of the public authority.

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, BARC vide letter dated 02.08.2021, relevant extracts whereof are as under:

8. As regards information sought by the Appellant at Serial No.2 regarding titles of Research Project submitted by various groups in BARC for which the recruitment was done in the year 2014, etc., it is submitted that filling up of vacancies in BARC is carried out as per prescribed procedure for various posts which are vacant. Research Projects on various identified subjects are taken up by different divisions of BARC as per the approval given by the Competent Authority from time to time. The Appellant has assumed that Recruitment was done in the year 2014 based on Titles of Research Projects submitted by various groups in BARC which is factually not correct. Therefore, there is no requirement of maintaining information in the manner sought by the Appellant and hence no such information is available.

9. As regards information sought by the Appellant at Serial No.3, as already stated projects which are approved by the Competent Authority are taken up for execution by different division of BARC. Some of these projects will have inherent societal benefit component. The Appellant has assumed that BARC has executed projects which are not related to Nuclear Science, which is actually misleading and factually incorrect. Since large number of meetings, discussions take place in any system on different subjects, it is not possible to compile and collate such information and it is also not mandatorily required to maintain such information as topics involved are too diverse to comprehend.

10. As regards information sought at Serial No.4, it is submitted that there are no separate classification of "project having societal benefits but not related to Nuclear Science," as claimed by the Appellant. Consequently, no such information is required to be maintained and hence not available.

11. Further, disclosable information/documents/orders such as the details of employees in this organization, details of projects, details of annual budget for Plan (Capital) & Non-Plan (Revenue) expenditures and details of orders/rules applicable to this Department are available on the BARC website [www.barc.gov.in](http://www.barc.gov.in) and DAE website [www.dae.nic.in](http://www.dae.nic.in) which is a public domain.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearing through video conference was scheduled after giving prior notice to both the parties. Both parties participate in the virtual hearing and Appellant contended that he seeks the information in larger public interest and in order to assess whether the huge funding which is granted to the Respondent organisation, is being utilised appropriately. He wanted to gather specific information about the projects undertaken by the Respondent which are likely to benefit the society at large.

Respondent placed reliance on the submissions dated 02.08.2021 stating that information as available and as are maintained in the regular course of business, have been sent to and receipt thereof has been duly acknowledged by the Appellant.

### **Decision**

Upon considering the records and averments put forth by the parties, the Commission notes that information as defined under Section 2(f) of the RTI Act, has been duly provided by the Respondent. It is worthwhile to point out that the Hon'ble Supreme Court vide its decision dated 09.08.2011 in the case of CBSE vs. Aditya Bandopadhyay [CIVIL APPEAL No. 6454 OF 2011] had held that:

“...35. ....If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant.

In the light of the above decision of the Apex Court, no legal infirmity is found in the response provided by the Respondent and the Commission upholds the stance adopted by the Respondent, which is in line with the spirit of the RTI Act.

Therefore, the appeal is disposed off with no further directions.

**Y. K. Sinha** (वाई. के. सिन्हा)  
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

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