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

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2023/610697**

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	:	28.09.2022
PIO replied on	:	26.10.2022
First Appeal filed on	:	06.11.2022
First Appellate Order on	:	NA
2nd Appeal/complaint received on	:	01.03.2023

Information sought and background of the case:

The Appellant filed an RTI application dated 28.09.2022 seeking information about details of security audit of DAE sites, including details of security audits of the DAE Sites, environment audits, scope of work of the various audits and enquiry reports of shooting incidents in last 10 years in Kudankulam nuclear power plants etc. and also information regarding No. of cases of theft or shortage of various natural resources like uranium, yellow cake, beryllium etc. in past 15 years and inspections carried out by the IAEA inspectors.

The CPIO/vide letter dated 26.10.2022 replied as under:-

> *"Information sought by the applicant is strategic in nature, Hence exempted from disclosure under section 8(1)(a)) of the RTI Act, 2005.*
>
> *Seeking clarifications. reasons and answering questions like 'why, 'whether, 'What' are not covered under the definition of Information as per section 2(f) of the RTI Act. 2005*
>
> *Information sought is not available in this office.*
>
> *Information sought is not in material form"*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 06.11.2022 which was not adjudicated by the FAA.

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

Facts emerging in Course of Hearing:
A written submission dated 08.01.2024 has been received from the PIO, BARC reiterating the aforementioned reply dated 26.10.2022, clarifying that no First Appeal was received by them.

The Appellant has filed lengthy 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 in his opinion the provisions of Section 8(1)(a) of the RTI Act is not attracted with respect to the information sought by him.

The Respondent reiterated their response and stated that details sought by the Appellant include name of DAE sites, copy of scope of work of latest security and environment audits, copies of RFQ, RFP etc. which are sensitive information with respect to strategic organisation. Disclosure of such confidential information could prejudicially affect national security, strategic and scientific interest of the country and hence the information could not be provided to the Appellant.

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 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 (हीरालालसामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
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