

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/BATRC/A/2024/141286

Surendra Prasad

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO
Bhabha Atomic Research
Centre, Mumbai

...प्रतिवादीगण/Respondent

Relevant dates emerging from the appeal:

RTI : 29.08.2024	FA : 08.10.2024	SA : 19.12.2024
CPIO : 30.09.2024	FAO : 07.11.2024	Hearing : 11.08.2026

Date of Decision: 25.09.2026

CORAM

Chief Information Commissioner: RAJ KUMAR GOYAL

ORDER

1. The Appellant filed an RTI application dated 29.08.2024, before the CPIO, Bhabha Atomic Research Centre, Mumbai, seeking '*certified complete APAR copy with remark*' for the period of '*01/07/2023 - 30/6/2024 (Year 2023-2024)*'.
2. The CPIO replied to the RTI Application vide letter dated 30.09.2024 as under:

“As per the policy of the Department copies of entire contents of APAR are not provided to the officials. Hence, the information is not provided. However, the copy of non-acceptance of the APAR grading for the year 2023-2024 is attached.”

3. Dissatisfied with the reply provided by the CPIO, the Appellant filed a First Appeal dated 08.10.2024, stating as under:

“...In that reference your reply RTI/BARC/2024/09/3029 Dated September. 30, 2024 as hard copy of APAR for Year 2023-2024 exempt from disclosure as per policy of the Department copies of the entire contents of APAR are not provided to the officials as reported by Shri Stanly M.K., Public information officer BARC Mumbai vide letter RTI/BARC/2024/09/3029 Dated September. 30, 2024. is incorrect as per the Indian Evidence Act Section 74 and also RTI Act, 2005 does not apply when person asking details of self-copy APAR.

I had undergone the article Indian Evidence Act Section 74 and RTI Act, 2005 and in reference I had asked the APAR review details of myself APAR copy and grading so in this regard under section 8(1) (g) RTI Act, 2005 does not apply

I request you to please consider my request for providing me a copy of APAR year 2023 to 2024 complete entire APAR copy with remark with name and signature of officers.

I request and appeal you to please look in this all above mentioned Evidence Act Section 74 and RTI Act, 2005 and I request you to please provide me the details about above mentioned APAR Year copy as it is required for me.”

4. The FAA & Actg. Controller vide order dated 07.11.2024 upheld the CPIO's reply and held as under:

“4. It is further observed that in the appeal, Shri Surendra Prasad has referred Indian Evidence Act Section 74 and RTI Act, 2005 and requested to provide the copy of APAR for the year 2023-2024 with remark, name and signature of officers. It is once again reiterated that, while the existing instructions on the communication of APAR grading to the official concerned are followed in a fair and transparent manner, copies of the entire

contents of APAR containing the description provided by the Reviewing and Assessing Officers need not to be communicated to the official concerned as the disclosure of the entire content of the APAR will not be in public interest.”

5. Aggrieved with the FAA’s order, the Appellant approached the Commission with the instant Second Appeal dated 19.12.2024.

Hearing Proceedings & Decision

6. The Appellant remained absent during the hearing. On behalf of the Respondent, Stanley M K, attended the hearing through video conference.

7. The Commission took on record the written submissions dated 22.07.2026 of the Appellant stating his inability to attend the hearing, and that till date he has not been provided with the desired information.

8. The Respondent reiterated the reply provided to the Appellant, and relied on their written submissions dated 03.02.2026 (sent in response to the CIC’s notice of registration of Second Appeal), *inter alia* stating as under:

“i) Bhabha Atomic Research Centre (BARC) is a constituent unit of the Department of Atomic Energy (DAE) under the Office of the Hon'ble Prime Minister of India. Many activities carried out in this centre are strategic and classified in nature and related to strategic planning of Government of India and National security.

ii) The work profile of Scientific and Technical personnel often involves strategic research, new developments with intellectual property considerations, indigenisation efforts to overcome embargo-related issues, and matters having national security implications. In several cases, report on the activities are highly confidential and sensitive in nature.

iii) Further, it is submitted that the Annual Performance Appraisal Reports (APARs) of officers engaged in sensitive and strategic scientific and technological activities form an integral part of the internal assessment mechanism. Though the activities and

achievements are initially recorded by the individual in the self-appraisal component of the APAR, disclosure of the APAR by the department under the RTI Act would impart an official authenticity to the contents. Such authenticated disclosure would inevitably confirm, validate, and make explicit the nature of strategic assignments, functional roles, and areas of engagement of the officer, which the public authority is otherwise duty-bound to protect in the interest of national security and institutional safety.

Disclosure of such records, even to the concerned individual, would inevitably authenticate the nature, scope, and categorisation of duties performed, areas of deployment, and functional responsibilities linked to strategic programmes, which are intrinsically connected with matters of national security and scientific preparedness. Such information is therefore exempt from disclosure under Section 8(1)(a) of the RTI Act, 2005. Additionally, disclosing the details of the category of work, operational exposure, or functional positioning of individual officers may expose them to risks, including targeting, undue pressure, or safety threats, and may endanger their life or physical safety, thereby attracting the exemption under Section 8(1)(g).

iv) The detailed contents of the APAR of Scientific and Technical personnel contain qualitative assessments, functional descriptions, nature of assignments handled, level of responsibility, and performance narration recorded by the Reporting and Reviewing Officers. In a strategic organisation like BARC, such descriptions, even if not explicitly classified, may indirectly reveal the nature, sensitivity, scope, and criticality of scientific or technical activities undertaken by the employee and the department. Once a complete APAR is disclosed, it becomes an authenticated official document, which can be used by the employee himself as documentary evidence of the nature of work performed. Such documents may be produced by him, before external agencies for outside employment, prospective employers, academic or research institutions, foreign collaborators, or other media, intentionally or unintentionally leading to unauthorised disclosure of sensitive work profiles, strategic capabilities, or institutional focus areas to undesired hands.

v) *Disclosure of complete APARs of Scientific and Technical personnel, those who may not be directly associated with strategic projects, may inadvertently lead to a selective and discretionary disclosure regime within the organisation. Such selective disclosure is likely to create expectations of parity, prompting officers engaged in sensitive and strategic assignments to seek similar disclosure of their appraisal records.*

Any subsequent denial in such cases, on account of change in the nature of duties performed, may be perceived as discriminatory or inequitable, despite being necessitated by functional and security considerations. Such a situation would undermine administrative consistency, damage institutional trust, and adversely affect employee morale. It is therefore essential, in the interest of fairness, uniformity, and administrative prudence, to adopt a consistent approach in the matter of non-disclosure of complete APARs.

vi) *It is further submitted that no overriding larger public interest has been demonstrated in the present case which would warrant disclosure of such sensitive appraisal records, and the information sought primarily pertains to individual service matters rather than any issue affecting transparency, accountability, or public welfare of the department.*

vii) *In view of the above, the Department of Atomic Energy has taken a conscious policy decision that while APAR gradings are communicated in a fair and transparent manner, copies of the entire contents of APAR containing descriptive details of the work handled by the Scientific and Technical employees of Department of Atomic Energy, during the APAR period and remarks of the Reporting and Reviewing Officers, need not be disclosed under RTI, when such disclosure is not in public interest. This policy has been communicated to all units of DAE vide Note No. 33/8/2016-Adm/12474 dated 21.09.2016 for uniform implementation.*

However, it is submitted that the APARs of Administrative and Auxiliary staff are disclosed under RTI, as their work does not generally involve strategic or sensitive matters.

viii) *As clarified by DoPT OM No. 10/20/2006-IR dated 21.09.2007, a public authority is not under obligation to disclose the APAR of an employee, including to the employee himself, as disclosure is protected under Section 8(1)(j) of the RTI Act, and APAR is a confidential document, the disclosure of which is also protected under the Official Secrets Act, 1923. However, the public authority has discretion to disclose the contents of an APAR if it is satisfied that larger public interest outweighs the harm to protected interests, which is not the case in the present matter.*

ix) *It is further submitted that, the employees are communicated with the Final APAR grading, and also on request relevant APAR attributes such as work output, administrative competence, and personal qualities such as technical knowledge, productivity, quality of work, mentoring ability, teamwork, attitude, and self-reliance are provided to all employees through Assessment Sheet and this enables the employees to assess their professional ability to improve their performance accordingly.*

7. *Therefore, in order to prevent any potential misuse, misinterpretation, or unintended disclosure of sensitive information, the Department has consciously restricted disclosure of complete APAR contents of Scientific and Technical personnel, while ensuring transparency through communication of final grading and relevant assessment attributes.*

8. *In view of above, it is respectfully contended that the policy decision of not providing complete APAR copies to Scientific and Technical personnel is reasonable, well-founded, and in consonance with the provisions of the RTI Act, balancing transparency with protection of sensitive and strategic interests.”*

9. The Commission after advertng to the facts and circumstances of the case, observes that neither the CPIO’s reply nor the FAA’s order, referred to any exemption in terms of Section 8(1) of the RTI Act for the denial of the information. Moreover, the FAA’s order without assessing the CPIO’s reply in terms of the provisions of the RTI Act, added that- ‘contents of APAR containing the description provided by the Reviewing and Assessing Officers need not to be communicated to the official concerned as the disclosure of the

entire content of the APAR will not be in public interest'. Since the RTI Act does not prescribe disclosure/denial of information on 'need' basis or on the basis of 'public interest' alone, the said observations of the FAA would appear to be unwarranted.

10. Now, the CPIO's written submissions dated 03.02.2026 refer to the exemptions in terms of Section 8(1)(a) and 8(1)(g) of the RTI Act, along with their respective justification. While the considerations stated by the CPIO would **indicate the applicability of Section 8(1)(a) of the RTI Act to be sparingly appropriate**, the invocation of **Section 8(1)(g) of the RTI Act** in respect of Appellant's own APAR would appear to be far stretched, **except where the names and identifying particulars of third parties, if any, figuring in the APAR record needs to be protected**. The CPIO has also relied on the exemption in terms of Section 8(1)(j) of the RTI Act citing a DOPT OM of 2007, which is summarily rejected by the Commission for being an irrelevant and untenable argument. To this extent, the **CPIO is advised to acquaint himself with subsequent case laws and precedents in respect of disclosure of APARs to the employees**.

11. Further, the CPIO has sought to rely on a DAE policy vide 'Note No. 33/8/2016-Adm/12474' dated 21.09.2016. Here, it would be relevant to note that the Appellant vide the written submission dated 22.07.2026 placed on record an order of the **same FAA**- 'Ref: BARC/RTI/2023/10/8413/54' dated 04.01.2024, in respect of another First Appeal dated 05.12.2023 in respect of an earlier RTI Application dated 11.10.2023, seeking- '*Certified complete APAR copy with remark of Grading (Year: 2022 to 2023 and review copy as Reviewed by APAR Grading review committee. (Ref: IHSS/representation/2023/437 Dated 10/10/2023.). Name of persons/Committee members Reviewing the APAR.*'. In response to this, the CPIO vide 'BARC/RTI/2023/10/8413/2585-A' dated 10.11.2023, replied that- '*Certified complete APAR copy with remark of grading for year 2022-2023 & also copy of remarks of review committee will be made available on payment of 18/- (@ 2/- per page for 09 Nos. of page) by way of Demand Draft or Pay order issued by any Bank payable at Mumbai or Indian Postal Order or e-IPO payable to "Accounts Officer. BARC" or in cash to be deposited with Cashier, Accounts Division. BARC between 2.30 pm to 4.00 pm.*

However, names of APAR review committee members is exempted from disclosure under section 8(1)(g) of the RTI Act, 2005. The said reply was upheld by the FAA vide the earlier said 'Ref: BARC/RTI/2023/10/8413/54' dated 04.01.2024, *inter alia* stating that- 'It is observed that PIO has rightly stated that the complete certified copies with remark of grading for the year 2022-23 & also copy of remarks of review committee will be made available on payment of ₹18/-. As the Appellant has attached IPO for an amount 20/- for certified copies of APAR for the year 2022.23 and its reviewed copy of APAR grading. PIO is directed to provide the completely reviewed APAR for the year 2022-23 after redacting the names of Reporting Officer and Reviewing Officer. This is in consonance with Hon'ble CIC's Decision No. CIC/DOATE/A/2018/164117-BJ dated 06.07.2020 in the case of Shri Biplab Das Vs Department of Atomic Energy wherein references has been drawn to the decision of Hon'ble High Court of Delhi which held that the entire contents of the own APAR of an individual concerned may be provided after redaction of the names of the Reviewing and Reporting officers.' Pertinently so, the **DAE policy being referred to is of the year 2016, and yet, the CPIO & FAA appear to have parted with the same information relating to the Appellant, albeit for a different time period, vide the aforementioned previous correspondences.**

12. As such, in respect of the reliance placed on DAE policy/instructions, it is also relevant to point out that **Section 22 of the RTI Act stipulates an overriding effect** "on anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.". Therefore, the **CPIO could not have simply relied on DAE instructions to deny the information sought under the provisions of the RTI Act.** Further, juxtaposing the CPIO's contentions in the instant case to the reliance placed by the Appellant on the reply provided to him in respect of a similar request for information vide the previous RTI Application, as noted in the above para, **suggests an ambiguity in the stance being taken by the Respondent in the instant matter.**

13. In view of the foregoing observations, the Commission now directs the CPIO to provide a revised reply to the Appellant as per the provisions of the RTI Act, i.e by

specifying the applicable exemption of Section 8(1) of the RTI Act for denying the certified copy of the complete APAR to the Appellant. In doing so, the CPIO is also directed to ensure that the portions/contents of the APAR that do not attract the exemption in terms of Section 8(1) of the RTI Act are redacted suitably as per Section 10 of the RTI Act and provided to the Appellant. The said revised reply of the CPIO must be provided free of cost to the Appellant, within two weeks of the receipt of this order, under intimation to the Commission.

14. The Appeal is disposed of accordingly.

A copy of the decision be provided free of cost to the parties.

Sd/-
(Raj Kumar Goyal) (राज कुमार गोयल)
Chief Information Commissioner (मुख्य सूचना आयुक्त)
दिनांक/Date: 25.09.2026

Authenticated true copy

Digitally signed by
BIJENDRA KUMAR
Reason: Approve
Location: New Delhi, India
25-09-2026 15:40:11 IST

Bijendra Kumar (बिजेन्द्र कुमार)

Dy. Registrar (उप पंजीयक)

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