

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2022/625762**

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 : 01.03.2022

PIO replied on : 30.03.2022

First Appeal filed on : 05.04.2022

First Appellate Order on : 02.05.2022

2nd Appeal/complaint received on : 09.05.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 01.03.2022 seeking information on the following points:-

"CIRUS

PIO to state the year in which CIRUS was shut down and decommissioned

DHRUVA

PIO to state the number of days of continuous operation of the Dhruva reactor as at the end of FY 2020

PIO to state the number of days of shutdowns of the Dhruva reactor in the last 5 years, upto the end of FY 2021, as under:

- Year, Period of Planned shutdown, Period of Actual shutdown
- Year, Period of UNPlanned shutdown

APSARA

PIO to state the number of days of continuous operation of the Apsara reactor as at the end of FY 2020

PIO to state the number of days of shutdowns of the Apsara reactor in the last 5 years, upto the end of FY 2021, as under:

- Year, Period of Planned shutdown, Period of Actual shutdown
- Year, Period of UNPlanned shutdown."

JEo (CIC)
AK (SIC)

15/01/24 Smt. Yeeta
22.01.2024

The CPIO vide letter dated 30.03.2022 responded with a point wise reply stating as under:-

*"Information sought is strategic. Hence exempted from disclosure under section 8(1) (a) of the RTI Act, 2005.
Information sought is not clear viz: FY-2020, FY-2021 etc.
Information sought is not clear viz: FY-2020, FY-2021 etc.
Information sought is not available in material form
Information sought is not clear. viz, FY 2020, FY 2021 etc.
Information sought is strategic. Hence exempted from disclosure under section 8(1)(a) of the RTI Act, 2005. Etc"*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 05.04.2022. The FAA vide order dated 02.05.2022 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 dated 05.01.2024 has been received from the PIO, BARC reiterating the aforementioned facts. The Respondent has also referred to Section 18(c) and 18(2)(b) of the Atomic Energy Act, 1962 to justify the denial of information.

The Appellant has filed detailed written submission challenging the denial of information by the Respondent, and it 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 and it is his contention that provisions of Section 8(1)(a) of the RTI Act should not have been applied in this case.

The Respondent reiterated their reply and stated that information pertaining to nuclear reactors, their date of commissioning/de-commissioning, operation, shutdown etc. are classified information of strategic importance to the nation. Such information cannot disseminated under the RTI Act, in terms of the provisions of the Section 8(1)(a) of the RTI Act and the Section 18(c) and the provisions of the 18(2)(b) of the Atomic Energy Act, 1962.

Decision:

In the light of the records submitted and contentions made by the parties, no legal infirmity is found in the response provided by the Respondent. The reply is

appropriate and well within the terms of the provisions of the RTI Act. Thus, no further intervention is warranted in this case, under the RTI Act.

The appeal is disposed off accordingly.

Heeralal Samariya (XXXXXXXXXXXXXXXXXXXX)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
011-26186535

