

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
**Tel: +91-11-26161796**

Decision No. CIC/SG/A/2011/002153/15695  
 Appeal No. CIC/SG/A/2011/002153

**Relevant facts emerging from the Appeal:**

**Appellant** : Mr. Nitin Motilal Gandhi  
 204 B, Sweet CHS,  
 Plot No. 19, Sector -14, Vashi,  
 Navi Mumbai - 400703.

**Respondent** : Mr. Goverdhan Rao  
 ✓ PIO & Head Personnel Division,  
**Bhabha Atomic Research Centre**  
 Office of the Head Personnel Division,  
 3<sup>rd</sup> Floor, Central Complex, BARC,  
 Trombay, Mumbai-400085.

RTI application filed on 09-03-2011  
 PIO replied on 28-03-2011  
 First Appeal filed on 26-04-2011  
 First Appellate Authority order of 25-05-2011  
 Second Appeal received on 02-08-2011

*Handwritten notes: APO, 21/11, SKM, 22/11/11*

Sl.	Information sought.	The PIO reply.
1.	List of all the Scientific Officers of Radiation Biology & Health Sciences Division (RB & HSD, Bio-Medical Group) BARC, Trombay, Mumbai- 400 085) who had been abroad for postdoctoral research, while on EOL, during the period spanning from January 2003 to December 2010	A list of scientific officer of RB&HSD, who had been abroad for postdoctoral research while on EOL during the period spanning from January 2003 to December, 2010, will be made available on payment of Rs. 2/- (@ Rs. 2/- per page for 1 no. of Page) by way of Demand Draft or pay order issued by any Bank payable at Mumbai or Indian Postal Order payable to "Accounts Officer, BARC" or in cash to be deposited with APO, HRD&SR&W Section between 2.30pm to 4.00pm.
2.	List of research publications of these Scientific officers in peer reviewed Scientific Journals based on their postdoctoral research work during their respective EOL period:	List of research publications of Scientific Officers of RB & HSD In Peer-reviewed Scientific Journals based on their postdoctoral research work during their OL period, will be made available on payment of Rs.:10/- (@Rs.2/- per page for 5.Nos..of pages) by way of Demand Draft or Pay order issued by any Bank (payable at Mumbai or Indian Postal Order payable to "Accounts Officer, BARC" or In cash to be deposited with APO, HRD&SR&V Section between 2.30 pm to 4.00 pm.
3.	Year-wise CR /APAR grading given to these Scientific Officers by the Foreign Professor / Mentor, during their EOL/postdoctoral stay abroad, along with the CR/APAR grading given by Division Head, RB & HSD, Associate Director (B) and the Director, Bio-Medical Group.	The information requested by you relates to personal information the disclosure of which has no relationship to any public activity or Interest, therefore exempted under Cause 8 (1)(e) of the RTI Act, 2005. Moreover the information available to a person in his fiduciary relationship, therefore exempted under Cause 8(1)(e) of the RTI Act. Therefore information requested by you cannot be provided:
4.	During this period, whenever the grading were changed by the Division head, RB & HSD, Associate Director (B) and the	The information requested by you relates to personal information the disclosure of which has no relationship to any public activity or Interest, therefore exempted

Director, Bio-Medical Group, from the grading given by their respective professor abroad (either down or up) the reason cited while doing so.

under Cause 8 (1)(c) of the RTI Act, 2005. Moreover the information available to a person in his fiduciary relationship, therefore exempted under Cause 8(1)(e) of the RTI Act. Therefore information requested by you cannot be provided:

**Grounds for the First Appeal:**

The appellant was not satisfied with the PIO reply.

**Order of the First Appellate Authority (FAA):**

As desired by the applicant he was given a personal hearing on 20.05.2011 at 1700 hrs. After hearing him and considering his appeal and perusing the reply given by the Public Information Officer, I found that the query raised by Shri Nitin M. Gandhi in his RTI application dated 09.03.2011 has been replied by the PIO in an adequate manner within the prescribed time limit. I uphold the replies given by PIO, BARC in respect of Q.Nos.3 & 4.

**Ground of the Second Appeal:**

The appellant was not satisfied with the PIO reply & FAA order.

**Relevant Facts emerging during Hearing:**

The following were present

**Appellant :** Mr. Nitin Motilal Gandhi on video conference from NIC-Mumbai City Studio;

**Respondent :** Mr. Goverdhan Rao, PIO & Head Personnel Division on video conference from NIC-Mumbai City Studio;

The PIO has given certain information but refused information on query 3 & 4 claiming exemption under Section 8(1) of the RTI Act. The PIO states that the Appellant is seeking ACRs of other officers and some information about the research work done by these officers may be available on these. He claims that disclosing this may affect the scientific interest of the state and hence is exempt under Section 8(1)(a) of the RTI Act. The Commission directs the PIO to give the attested copies of the ACRs after severing any information which discloses research work which may affect the scientific interest of the country. This should be done as per the provisions of Section-10 of the RTI Act.

**Decision:**

The Appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 05 December 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.



*Shailish Gandhi*

**Shailish Gandhi  
Information Commissioner  
16 November 2011**

*(In any correspondence on this decision, mention the complete decision number.) (C2)*