

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NFCOM/A/2022/665507**

Shri Samir Sardana

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Nuclear Fuel Complex

...प्रतिवादीगण / Respondent

Date of Hearing : 13.02.2024

Date of Decision : 13.02.2024

Chief Information Commissioner : Shri Heeralal Samariya

Relevant facts emerging from appeal:

RTI application filed on : 15.09.2022

PIO replied on : 13.10.2022

First Appeal filed on : 20.10.2022

First Appellate Order on : 21.12.2022

2ndAppeal/complaint received on : 07.12.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 15.09.2022 seeking information on following points:-

“PIO TO STATE WHETHER DAE HAS DIRECTED OR CONDUCTED A SECURITY AUDIT, OF THE DAE FACILITIES, IN THE LAST 7 YEARS,AS UNDER:

- NAME OF DAE SITE (/NFC//ENRICHMENT PLANTS, STORAGE OF DU/SNF/TAILINGS/PLUTONIUM), YEAR(S) OF AUDIT,NAME OF AUDIT AGENCY
- PIO TO PROVIDE A COPY OF THE SCOPE OF WORK OF THE LATEST SECURITY AUDIT CARRIED OUT, OF /NFC//ENRICHMENT PLANTS
- PIO TO PROVIDE A COPY OF THE RFQ AND RFP,OF THE LATEST SECURITY AUDIT CARRIED OUT, OF UCIL/NFC/ENRICHMENT PLANTS
- PIO TO STATE WHETHER DAE HAS DIRECTED OR CONDUCTED A ENVIRONMENTAL AUDIT, OF THE DAE FACILITIES, IN THE LAST 7 YEARS,AS UNDER:
- NAME OF DAE SITE (/NFC/,,ENRICHMENT PLANTS, YEAR(S) OF AUDIT,NAME OF AUDIT AGENCY
- PIO TO PROVIDE A COPY OF THE SCOPE OF WORK OF THE LATEST ENVIRONMENTAL AUDIT CARRIED OUT, OF /NFC/HWB/RMP/BARC/ NPCIL/ENRICHMENT PLANTS

- PIO TO PROVIDE A COPY OF THE RFQ AND RFP OF THE LATEST ENVIRONMENTAL AUDIT CARRIED OUT OF NFC/HWB/RMP

ETC.”

The CPIO and Industrial Relations Officer, Nuclear Fuel Complex, D/o Atomic Energy vide letter dated 13.10.2022 replied as under:-

“The information sought cannot be provided as the same is exempted under clause 8(1)(a) of the RTI Act, 2005”

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 20.10.2022. The FAA and Chief Administrative Officer, Nuclear Fuel Complex, D/o Atomic Energy vide order dated 21.12.2022 upheld the reply of the CPIO.

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

A written submission has been received from the CPIO and AO- III, Nuclear Fuel Complex, D/o Atomic Energy vide letter dated 19.01.2024 wherein it was stated that the Appellant had filed the Second Appeal before the receipt of FAA order dated 21.12.2022. It was added that the information sought cannot be provided to the Appellant as their organisation is a Scientific Department dealing with strategic materials like Uranium disclosure of which would affect the sovereignty, integrity and security of the country.

Facts emerging in Course of Hearing:

Appellant: Present

Respondent: Shri D Srinivasa Rao, AO- III

The Appellant stated that the information sought was incorrectly denied u/s 8 (1) (a) without examining as to how disclosing information on whether Security Audits were conducted in the past; the sites where audit were conducted, name of audit agency would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence. He also stated that the CPIO in its reply to a similar application stated that severability clause u/s 10 would not apply where information has been denied u/s 8 (1) (a) which is contrary to the decisions of the Commission in CIC/SG/A/2011/002186/15730 and CIC/SOIND/A/2018/623043.

Shri Srinivasa Rao reiterated the replies provided to the Appellant and his written submission and stated that the information sought in the present RTI application cannot be provided as their organisation is a Scientific Department dealing with strategic materials like Uranium disclosure of which would affect the sovereignty, integrity and security of the country hence exemption u/s 8 (1) (a) was claimed.

Decision:

Keeping in view the facts of the case, sensitivity of the issues involved thereto and the submissions made by both the parties the Commission is of the view that an appropriate reply has been furnished by the Respondent as per the provisions of the RTI Act. As regards the non-disclosure of information u/Section 8(1)(a) of the RTI Act, 2005, this Commission refers to the judgement dated 05.03.2013 rendered by the Hon'ble High Court of Delhi in Ajay Madhusudan Marathe v. Respondent: Sanjukta Ray and Ors, W.P. (C) 1464/2013, wherein, it was observed as under:-

"7. The background circumstances do point to the fact that the area in respect of which information is sought could have security implications. The judgment in this regard is best left to the wisdom of the agencies concerned, who are tasked with the responsibility of sifting such information and thereafter arriving at a conclusion one way or the other. In this particular case, the respondents have come to a conclusion that the information sought has security implications. In the absence of any material to the contrary, this court would be slow to interfere with the decision arrived at in that behalf."

In the view of foregoing, no legal infirmity is found in the response furnished by the Respondent. Thus, the Commission is of the considered opinion that no intervention is warranted in this case.

The instant Second Appeal stands disposed off as such.

Heeralal Samariya (हीरालाल सामरिया)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

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