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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6611/2014**

CENTRAL BUREAU OF INVESTIGATION Petitioner
Through: Mr Sanjeev Bhandari, Advocate.

versus

SUBHASH CHANDRA AGRAWAL Respondent
Through None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.09.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 04.06.2014, passed by the Central Information Commission (hereafter 'CIC'), whereby the petitioner was directed to provide point wise response in respect of the respondent's application dated 21.05.2013, seeking information under the Right to Information Act, 2005 (hereafter 'the Act').
2. The respondent had filed an application dated 21.05.2013 seeking information on 14 points relating to an article that had appeared in the newspaper on 19.05.2013, whereby it was allegedly reported that certain officer of CBI had taken a bribe to quash an FIR. The petitioner had rejected the said application on the ground that Central Bureau of Investigation (hereafter as 'CBI') was included in the Second Schedule to the Act and, by virtue of Section 24 of the Act, the petitioner was excluded from the purview of the Act.
3. Being aggrieved by the aforesaid decision, the respondent preferred

an appeal before the First Appellate Authority (FAA). The said appeal was disposed of by FAA by an order dated 16.07.2013, upholding the decision of the CPIO. Aggrieved by the same, the respondent preferred a second appeal before the CIC, which was allowed by the impugned order.

4. The learned counsel for the petitioner submitted that CIC had erred in directing that information be provided to the respondent as it related to allegation of corruption. He submitted that the first proviso to Section 24(1) of the Act only referred to allegations of corruption within the public authority and did not relate to information regarding allegation of corruption in other organisation.

5. Mr Bhandari, learned counsel appearing for the petitioner conceded that the said issue was covered against the petitioner by a decision of a Coordinate Bench of this Court in ***CPIO, Intelligence Bureau v. Sanjiv Chaturvedi: W.P.(C) 5521/2016, decided on 23.08.2017***, whereby this Court had held as under:-

"29. The plain reading of the proviso shows that the exclusion is applicable with regard to any information. The term "any information" would include within its ambit all kinds of information. The proviso becomes applicable if the information pertains to allegations of corruption and human rights violation. The proviso is not qualified and conditional on the information being related to the exempt intelligence and security organizations. If the information sought, furnished by the exempt intelligence and security organizations, pertains to allegations of corruption and human rights violation, it would be exempt from the exclusion clause.

30. The proviso "Provided that the information pertaining to the allegations of corruption and human rights violations shall

not be excluded under this sub-section” has to be read in the light of the preceding phrase “or any information furnished by such organisations to that Government”.

31. When read together, the only conclusion that can be drawn is that, if the information sought pertains to allegation of corruption and human right violation, it would be exempt from the exclusion clause, irrespective of the fact that the information pertains to the exempt intelligence and security organizations or not or pertains to an Officer of the Intelligence Bureau or not."

6. In view of the above, the petition is disposed of by directing the petitioner to examine the respondent's request. The information sought by the respondent would not be denied on the ground that CBI is excluded from the purview of the Act by virtue of Section 24(1) of the Act. However, the petitioner is at liberty to examine whether the information sought is otherwise exempt from disclosure under Section 8(1) of the Act. In the event the petitioner is of the view that the information sought is exempt under any of the clauses of Section 8(1) of the Act, the same would be communicated to the respondent within a period of six weeks from today. If aggrieved, the respondent would be at liberty to avail of such remedies as may be advised. It is clarified that this Court has not expressed any opinion whether the information sought is exempt from disclosure under Section 8(1) of the Act.

7. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

SEPTEMBER 07, 2017
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