Disclose info related to graft cases: CIC to CBI

New Delhi (RTI): Holding that information related to allegations of corruption has to be provided even by organisations exempted under the RTI Act, the CIC has directed the CBI to provide all information pertaining to corruption cases.

Chief Information Commissioner Satyananda Mishra directed the agency to consider on case-to-case each request seeking information about allegations of corruption and see if they do not attract other exemption clauses.

The CBI was included in the second schedule of the Section 24 of the RTI Act which allows national and security organisations of the country listed under it from making any disclosures under the transparency.

However, information pertaining allegations of corruption and human rights violations do not come under the exemption.

In a case related to RTI application filed by activist C.J. Katra, CBI argued before the CIC that the agency by large probed cases related to allegations of corruption and disclosing such information would make the exemption given to it "totally infructuous." The agency, which is probing number of high profile corruption cases such as 2G scam, NRHM scam, Illegal ore mining, CWG scam, Tatra BEML scam besides other such cases pleaded that disclosure of information would defy the objective of keeping it in the exemption list. "It (section 24 of the RTI Act) does not make any distinction between the exempted organisations on the basis of the functions they perform nor between allegations of corruption on the basis whether it is made against the employees of the exempt organisation or others," Mishra said.

He said it is true that CBI is primarily responsible for investigating into all cases of corruption cases by public servants of the Central Government.

Mishra said most of the information CBI holds would have "nexus with allegations of corruption." "It is also true that proviso to section 24 of the RTI Act would make it necessary for the CPIO to entertain all such RTI applications related to allegations of corruption, rendering the exclusion of the organisation from the operations of the RTI Act almost pointless. This cannot be helped as the law is quite clear; this particular section does not exclude the exempt organisations from the RTI Act completely," Mishra said.

In the order, he said that exemption given to security organisations under the RTI Act is a "qualified exemption." "It is possible that in some of the security and intelligence organisations, the information held, by and large, may not have much nexus with either the allegations of corruption or with human rights violations," he said.