Office of the CJI and RTI Act - SC Ruling

Why in news?

The Supreme Court ruled that the office of the Chief Justice of India (CJI) is a public authority under the Right to Information (RTI) Act.

What is the case on?

- The judgment pertained to three cases based on requests for information filed by Delhi-based RTI activist Subhash Agarwal. [Click here to know more on the cases]
- All of these cases eventually reached the Supreme Court.
- Two of the three issues were stuck down.
- The matter the Supreme Court wanted to address was the question whether or not the office of the CJI is under the RTI Act.

How did the case evolve?

- **Request** - In one of the three cases, Agarwal had asked whether all SC judges had declared their assets and liabilities to the CJI following a resolution passed in 1997.
- He had not requested for copies of the declarations, but only the status of judges' compliance.
- [The 1997 resolution requires judges to declare to the CJI the assets held by them - own name, spouse's name and in any person dependent on them.]
- **CPIO** - The CPIO (Central Public Information Officer) of the Supreme Court said the office of the CJI was not a public authority under the RTI Act.
- **CIC** - The matter reached the Chief Information Commissioner (CIC).
- There, a full Bench, headed by then CIC Wajahat Habibullah, in January 2009, directed disclosure of information.
- **Delhi HC** - The Supreme Court approached the Delhi High Court against the CIC order.
- The High Court held that the office of the CJI was a public authority under the RTI Act and was covered by its provisions.
- **Larger Bench** - The Supreme Court then approached a larger Bench.
- The larger Bench held that the earlier judgment of the HC (Justice Ravindra Bhatt) was "both proper and valid and needs no interference".
- **SC plea to SC** - The Supreme Court in 2010 petitioned itself challenging the

Delhi High Court order.

- The matter was placed before a Division Bench, which decided that it should be heard by a Constitution Bench.
- As the setting up of the Constitution Bench remained pending, Agarwal filed another RTI application.
- The Supreme Court told him on June 2, 2011 that orders for constituting the Bench "are awaited".
- Finally, in 2018, CJI Ranjan Gogoi constituted the Bench, which has now pronounced its judgement.

What is the SC ruling?

- A five-judge Constitution Bench of the Supreme Court upheld the Delhi High Court ruling of 2010.
- It thus dismissed three appeals filed by the Secretary General and the Central Public Information Officer (CPIO) of the Supreme Court.
- The SC held that the office of the CJI is a public authority.
- However, it held that RTI could not be used as a tool of surveillance.
- It said that judicial independence had to be kept in mind while dealing with transparency.

What does the order mean?

- The outcome of the ruling is that the office of the CJI will now entertain RTI applications.
- It enables the disclosure of information such as the judges' personal assets.
- The Bench unanimously argued that the right to know under the RTI Act was not absolute and this had to be balanced with the right of privacy of judges.
- The key take-away from the judgment is that disclosure of details of serving judges' personal assets was not a violation of their right to privacy.
- The verdict underlines the balance Supreme Court needs between transparency and protecting its independence.
- The move opens the doors to RTI requests that will test the frontiers of what has been a rather opaque system.
- However, what new limitations are drawn would decide how effective the move would get to be.

What is the significance?

- The RTI Act is instrumental in enhancing accountability, citizen activism and, consequently, participative democracy.
- The Supreme Court judgment paves the way for greater transparency.
- It could now impinge upon issues such as disclosure, under the RTI Act, by

other institutions such as registered political parties, etc.

Source: Indian Express, The Hindu

