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Delhi High Court stays CIC order on judges' assets

By Mail Today Bureau in New Delhi

THE DELHI High Court on Monday stayed an order of the Central Information Commission (CIC), asking the Supreme Court's registry to give information to an RTI applicant on whether apex court judges have declared their assets to the Chief Justice of India (CJI).

Justice S. Ravindra Bhat passed the stay order on a petition filed by the SC registry, challenging the CIC directive.

He appointed noted jurist Fali S. Nariman as the amicus curiae to assist the court and fixed February 12 as the next date of hearing in the case.

The CIC had on January 6 directed the SC registry to furnish to Subhas Chandra Aggrawal, who had filed an application under the Right to Information (RTI) Act, information within 10 days whether judges had declared their assets as per a 1997 resolution.

In his application, Aggrawal had also sought information on whether high court judges disclose their assets to their respective chief justices.

The Delhi High Court hears appeals against the CIC order.

The SC registry's appeal, filed on Friday, said information relating to declaration of assets by the apex court judges to the CJI was not a mandatory exercise under the law.

A full court resolution of the Supreme Court on May 7, 1997 required every judge to declare to the CJI his or her assets, including properties or any other investment in the name of their spouse and dependents, if any.

The registry, however, said the resolution is informal and purely voluntary and that there is nothing under the Constitution or any law which requires the judges to declare their assets to the CJI. "Neither is the office of the CJI a public authority nor does the information relating to judges' assets come in the public domain," the Supreme Court said.

The petition said the CIC order is excessive and without jurisdiction.

The appeal made distinction between the apex court as an institution and the office of the CJI. " Apart from the fact that the CJI is the head of judiciary, the office of the CJI is altogether distinct from the Supreme Court of India as an institution. The office of the CJI performs several distinct and unique functions.

The CJI is not a public authority, as defined in Section 2(h) of Right to Information Act, and therefore, is not required to designate a Central Public Information Officer for it, or to supply the information held or maintained by it [him]. In these circumstances it cannot be said that the office of the CJI and the registry of the Supreme Court is one and the same," the appeal said, while praying for setting aside the CIC's order and an interim stay of its operation.

The CIC rejected the SC's contention that the CJI was not obliged to furnish such information under the RTI Act. Nor did the CIC agree with the plea that the registry and the CJI's office were independent.

(With inputs from agencies)