

The Hindu

Assets information with CJI comes under RTI : Delhi High Court

J. Venkatesan
Thursday, Sep 03, 2009

New Delhi: Information on assets declared by Supreme Court judges in the possession of the Chief Justice of India will come within the ambit of the Right to Information Act, the Delhi High Court ruled on Wednesday.

Justice S. Ravindra Bhat said: "The CJI is a public authority under the RTI Act and the CJI holds the information pertaining to asset declarations in his capacity as Chief Justice; that office is a 'public authority' under the Act and is covered by its provisions. Information pertaining to declarations given to the CJI and the contents of such declaration are 'information' and subject to the provisions of the RTI Act."

Verdict to be challenged

The judge was disposing of a writ petition filed by the Supreme Court Information Officer against an order of the Central Information Commission asking him to furnish to applicant Subash Chandra Agarwal information in the CJI's possession on assets of the judges.

When approached, CJI K.G. Balakrishnan declined to comment on the judgment.

Attorney-General G.E. Vahanvati, who represented the Supreme Court Information Officer, told *The Hindu* that an appeal would be filed before a Division Bench of the High Court.

Rejecting the argument that the CJI was holding such information in a 'fiduciary capacity', Justice Bhat said: "It cannot be held that asset information shared with the CJI by the judges is held by him in the capacity of a fiduciary, which, if directed to be revealed, would result in breach of such duty."

On the submission that the 1997 Supreme Court resolution imposed a confidentiality obligation on the CJI to ensure non-disclosure of the asset declarations by the judges, Justice Bhat said that with the advent of the RTI Act, and the provision in Section 22 — which overrides all other laws, etc. (even overriding the Official Secrets Act) — "the argument about such a confidentiality condition is on a weak foundation and insubstantial." He said, "The mere marking of a document as 'confidential' does not undermine the overbearing nature of Section 22."

The judge, however, held that the contents of the asset declarations, pursuant to the 1997 resolution, "are entitled to be treated as personal information, and may be accessed in accordance with the procedure prescribed under Section 8(1) (j) of the RTI Act; they are not otherwise subject to disclosure."

The court directed the petitioner to release within four weeks the information sought by the respondent-applicant about the declaration of assets (and not the contents of the declarations, as that was not sought for) made by the judges.

<http://www.hindu.com/2009/09/03/stories/2009090357790100.htm>