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High Court admits plea in judges' assets case

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New Delhi: The Delhi High Court on Wednesday admitted an appeal filed by the Supreme Court Central Public Information Officer (CPIO) against a single judge's order holding that information on assets declared by Supreme Court judges in the possession of the Chief Justice of India would come within the ambit of the Right to Information Act. A Bench of Chief Justice A.P. Shah and Justice S. Murlidhar admitted the appeal after hearing Attorney-General G.E. Vahanvati and counsel Atul Nanda for the appellants and counsel Prashant Bhushan for respondent Subash Chandra Agrawal.

Matter for larger Bench

Considering the important questions involved in the appeal, the Bench posted the matter before a larger Bench without passing any interim order, and directed the matter be listed for November 12.

The AG submitted that the May 1997 resolution, on the basis of which judges declared their assets, was voluntary and not binding.

Mr. Bhushan, appearing for the RTI applicant, said such appeals would bring disrepute to the system.

The CPIO maintained that the "CJI is not a Public Authority as defined in Section 2(h) of the Right to Information Act, and therefore, is not required to designate a CPIO for it or to supply the information held or maintained by it."

The appeal is directed against the September 2 judgment directing the CPIO to release within four weeks the information sought by Mr. Agrawal about the declaration of assets (not the contents of the declarations, as they were not sought) on the ground that the office of CJI was a public authority.

"There is a plethora of information which is available with the judiciary which cannot be made available in the public domain though, strictly speaking, it would be in the possession of the public authority," the appeal said. "An illustrative example is of medical records of a judge. Medical records can be contended to be held under Section 2(j) and therefore available for access under the Act. This can have disastrous consequences." Furthermore, an applicant under the Act could ask for medical records saying the treatment was exaggerated or that the payment made was in excess, and this would expose the judge to harassment.