

The Hindu

Information on appointment of judges under RTI refused

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New Delhi: Information pertaining to appointment of judges to the Supreme Court could not be provided under the Right to Information Act as it was confidential, the Central Principal Information Officer of the Supreme Court has said.

Raj Pal Arora, CPIO said this in his letter dated October 10 sent to rights activist Subash Chandra Agrawal, who sought information relating to elevation of Chief Justices of various High Courts as judges of the Supreme Court.

The information he sought included complete correspondence and a copy of the letter sent by 10 senior lawyers to the Chief Justice of India and reply by the CJI and/or his Secretariat on the proposal to elevate the Chief Justice of the Karnataka High Court, P.D. Dinakaran.

Mr. Agrawal in his application dated September 14 sought information on 12 points including the subsequent action taken on aspects raised in the letter by 10 senior lawyers. He wanted to know whether, "Is it true that now-recommended Justice A.K. Patnaik was earlier superseded in earlier appointments at Supreme Court despite intervention by Prime Minister's Office at that time?; Reasons for first not clearing and now clearing the name of Justice Patnaik for Supreme Court; Is it true that the name of Justice Patnaik was cleared only after change in earlier collegium?; Were names of earlier-superseded Justice A.P. Shah and Justice V.K. Gupta also considered while confirming latest five recommendations of judges by Supreme Court?; List of Chief Justices of High Courts in States who presently remain superseded in their appointment as Supreme Court judges after latest five new recommendations; reasons and criterion for superseding seniority of Chief Justices of High Courts in appointments at Supreme Court; number of vacancies at post of judges at Supreme Court after latest five new recommendations,; any other related information and File-notings on movement of this RTI petition as well."

The CPIO rejected the application, as the "matter being confidential" such information could not be provided. He, however, said that as on October 10 there were eight vacancies. (With the retirement of Justice B.N. Agrawal on October 14, there are now nine vacancies). Not satisfied with the CPIO's reply, Mr. Agrawal has filed an appeal before the appellate authority, viz. Registrar, M. K. Gupta contending that the CPIO had rejected his application without citing any exemption-clause under Section 8 of the RTI Act 2005.

Mr. Agrawal sought a direction to the CPIO to provide information/documents relating to the remaining 11 points in the manner sought by him in accordance with Section 7(9) of RTI Act.

<http://www.hindu.com/2009/10/17/stories/2009101760531000.htm>