

EX-CJI HAILS COURT VERDICT ON RTI FOR JUDICIARY

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Former chief justice of India J.S. Verma on Monday asked the Supreme Court not to appeal against the Delhi High Court judgment on implementation of Right to Information Act in the judiciary, since it would amount to "conflict of interest."

The former CJI praised the Delhi HC Chief Justice, A.P. Shah, for having "articulated the true concept" of judicial independence.

"Let me hope that the Supreme Court led by the CJI will now accept the verdict in good grace and not appeal to itself to re-examine its obvious merit of the Delhi High Court judgment," said Justice Verma.

"Conflict of interest in the further appeal to itself is obvious, since the doctrine of necessity is not attracted. Otherwise, we are bound to go down in the public estimation which would rightly conclude that we do not practice what we preach," he said.

The Delhi High Court, in its January 12 verdict, had ruled that the office of the CJI was covered under the RTI Act.

Justice Verma's comments come at a time when the court is yet to decide whether to file an appeal to itself against the HC verdict. It was during his tenure as CJI in 1997, that the court had passed a resolution, making it mandatory for judges to declare their assets to their respective chief justices.

"The recent response of the Delhi High Court led by Justice A.P. Shah in rejecting the tenuous stand of the CJI... is to be hailed as a welcome blow for transparency and accountability..." he said.

Justice Shah, known for many landmark judgments, including decriminalization of sexual activity among consenting adults of the same sex, will retire on February 13.

Obliquely criticising the decision of the Supreme Court collegium to ignore Justice Shah for promotion to the top court, he said, "another issue relevant in this context is of the appointment of judges in the Supreme Court and the High Courts."

The former CJI disagreed with the view that the government was helpless on the issue of appointments. "The opinion of the judicial collegium, if not unanimous does not bind the executive to make the appointment," Justice Verma said.