

## CJI not exempt from RTI purview, CIC tells SC

NEW DELHI: In a boost to judicial accountability, the Central Information Commission (CIC) on Tuesday rejected the Supreme Court's claim that the

Chief Justice of India was beyond the purview of RTI. Accordingly, CIC directed SC to make public the information available with CJI as to whether its judges had been, in terms of a 1997 resolution, regularly filing declarations of their assets.

The decision taken by a three-member bench of CIC headed by Wajahat Habibullah contradicts CJI KG Balakrishnan's public statement that being a Constitution office holder, he was exempt from RTI. This is also contrary to the file notings made by Justice Balakrishnan, reported first in TOI, approving SC's evasive reply in November 2007 that the information relating to declaration of assets by judges was "not held by or under the control of" its registry and therefore could not be furnished by its information officer under RTI.

Upholding an appeal filed by RTI activist Subhash Chandra Agrawal, CIC rebuffed SC's attempt to withhold information on the ground that the registry, which came under RTI, was distinct from the CJI's office, which was the custodian of the declarations of assets made by SC judges.

Ruling that the institution and its head could not be two distinct public authorities, CIC said that the information available with the CJI must be "deemed" to be available with Supreme Court.

"If any information is available with one section of the department, it shall be deemed to available with the public authority as one single entity."

Since the appellant did not seek copies of the declarations, CIC disallowed SC's alternative contention that the information could not be disclosed as it attracted exemption under Section 8(1)(e) as the declarations had been received by CJI in a "fiduciary relationship" or Section 8(1)(j) as it was "personal information" which had "no relationship to any public activity or interest." The bench consisting of Wajahat Habibullah, A N Tiwari and M M Ansari directed SC's information officer to disclose within 10 days to Agrawal whether its judges had been filing declarations of assets in compliance with the resolution adopted by the entire bench of the apex court in 1997.

Though the judiciary had informally maintained that judges had been filing declarations of assets, it was reluctant to say anything on the subject under RTI lest it opened a floodgate of queries related to judicial probity. The tacit, if self-serving, suggestion was RTI could not be allowed to compromise judicial independence.

[http://timesofindia.indiatimes.com/India/CJI\\_not\\_exempt\\_from\\_RT\\_i\\_purview\\_CIC\\_tells\\_SC/arti\\_cleshow/3944793.cms](http://timesofindia.indiatimes.com/India/CJI_not_exempt_from_RT_i_purview_CIC_tells_SC/arti_cleshow/3944793.cms)