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Demand for open judiciary grows

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Demand for open judiciary grows

Satya Prakash

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THE FIGHT for citizens' right to know about the details of judges' wealth, appointments and complaints of misconduct against them reached the Supreme Court on Tuesday with a petition demanding implementation of the Right to Information Act in the judiciary. The People's Union for Civil Liberties filed a PIL seeking an order "requesting" CJI K.G. Balakrishnan to give directions to the Supreme Court Secretary General and registrar generals of all high courts to provide information sought by the public under the RTI Act, 2005.

Contending that judicial independence and judicial accountability were not contradictory to each other, PUCL national president and senior advocate K.G. Kannabiran sought an order "requesting" the CJI to ensure enforcement of people's right to elicit information, unless withholding of it was necessary for security reasons.

Of late, civil rights activists, top jurists and bar leaders have stepped up the pressure on the judiciary to act in a more transparent manner. They have criticised the judiciary's stand on declaration of assets by judges and implementation of the RTI. In his petition, the noted human rights activist said: "The stand taken by the Chief Justice of India recently (on the issue of RTI and declaration of assets) has created a discontent amongst various sections of Civil Society, and various Constitutional functionaries." Citing the CJI's recent statement that Constitutional functionaries were not covered under the RTI and the judges of the Supreme Court and high courts were not bound to declare their wealth, Kannabiran pointed out that top jurists like former CJIs J.S. Verma and V.N. Khare have disapproved it. He also drew attention to the reaction of Lok Sabha Speaker Somnath Chatterjee on the CJI's views. Chatterjee had said: "Nothing should be held back from the people."

Kannabiran said the definition of "Public Authority" and "Competent Authority" under the RTI Act "left no doubt that the judges of the Supreme Court and high courts being public authority under the Act are amenable to the jurisdiction of the RTI." He sought to emphasise that citizens' right to know was a fundamental right under Article 19(1)(a) of the Constitution and the RTI Act only provided a mechanism for its enforcement.

"The view of the CJI that Constitutional functionaries were not obliged to give information amounts to denial of the right of the citizen under Article 19(1)(a) was also contrary to the oath of office of judges," the PUCL President contended. Maintaining that courts were also a part of the democratic process, Kannabiran said: "Judicial independence does not give judges the power to withhold information or to keep things secret which are required to be made public."

satya.prakash@hindustantimes.com