

Judges' assets: Courts vs info panel

Harish V. Nair and
Nagendar Sharma
New Delhi, January 19

IN A unique case, the Delhi High Court on Monday accepted a Supreme Court request to stay a Central Information Commission (CIC) order seeking information on whether judges declare their assets to the Chief Justice of India (CJI). Under the Right to Information Act, orders by the Central Information Commission can be challenged

only in high courts, and finally in the Supreme Court.

In its January 6 order, the Commission had asked the Supreme Court to provide the information within 10 days. The directive had come on an RTI application filed by one S.C. Aggarwal, a resident of Delhi.

Justice S. Ravindra Bhatt, while staying the order, appointed senior lawyer and noted jurist Fali S. Nariman as amicus curae (friend of the court). The matter will now be heard on February 11.



In a January 6 order, the CIC asked the Supreme Court to provide information on whether judges declare their assets to the CJI. On the apex court's request, the Delhi High Court on Monday stayed the CIC order.

Appearing on behalf of the Supreme Court, Solicitor General G.E. Vahanvati submitted that there was nothing under the Constitution or under any other law that requires Supreme Court judges to declare their assets to the CJI.

"The fact that this is done

under an informal resolution dated May 7, 1997 shows that it is purely voluntary and not required to be given under any legal provision and there can be no sanction for non-furnishing of such information," the petition filed by the Supreme Court said.

Aggarwal's lawyer

Prashant Bhushan said the court would look into the whole aspect of implementation of RTI in the judiciary. "We will press for finally settling the controversy," he said.

The Commission had ruled that the apex court is not exempt from the RTI Act

and had made it clear that the CJI, too, is covered by it. It had also not agreed with the plea that the Registry and the CJI's office were independent.

The Supreme Court's decision to challenge the Commission's order on declaring judges' wealth has come in for severe criticism from top jurists.

"This is really astounding. If judges do not even want to share the information on whether they declare their assets, then why

did the judiciary make it mandatory for candidates contesting elections," asked Justice P.B. Sawant, a former Supreme Court judge.

"The whole thing is a very undignified scripting by the judiciary. Let them try it out. People would have respected the institution had the judges gracefully agreed to declare their assets," said former law minister and veteran lawyer Ram Jethmalani.

harish.nair@hindustantimes.com
nagendar.sharma@hindustantimes.com