

## Judges can't escape RTI, says House panel

*MPs trash CJI's views; fresh round of conflict between Parliament and judiciary When Constitutional authorities like the PM and Speaker were covered by the RTI, there was no question of any exemption. E.M.S. NATCHIAPPAN Constitutional MI functionaries are not covered under the Right to Information Act... and I am holding a constitutional office. K.G. BALAKRISHNAN, CJI*

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PEOPLE HAVE every right to seek details of a judge's wealth, allegations of misconduct against him and appointments in the judiciary, according to a parliamentary panel. "Except judicial decision-making, all other activities of administration and persons included in the judiciary are subject to the RTI Act," said the report of the Parliamentary Standing Committee on Personnel, Law and Justice, tabled in the Rajya Sabha on Tuesday. The report opens a fresh round of conflict of views between the Parliament and the judiciary, which has made public its opposition to the idea of being scanned by the public. Ten days ago, Chief Justice K.G. Balakrishnan had said he was holding a constitutional office. "Constitutional functionaries are not covered under the RTI Act," he said. But the House panel said it had examined the law: "We have examined in detail every clause of the RTI Bill 2004, and it is clear that all three wings of State - executive, legislature and judiciary are fully covered under this Act." E.M. Sudarsana Natchiappan, who heads the panel, said: "When Constitutional authorities like the prime minister and Lok Sabha speaker were covered by the RTI Act, there was no question of any exemption for any other individual's office." Judicial decisionmaking doesn't come under the Act because decisions are pronounced in open courts and consultation between judges is a privilege, he said. Natchiappan said it was important to end the confusion prevailing on the matter, and after discussing the interpretation of various sections of the Act, "the committee was very clear that all Constitutional authorities came under the definition of public authority". "The pith and substance of this Act is to empower people by allowing them to seek information on those occupying high offices and making decisions which affect their lives. Any reluctance only amounts to dilution of people's right to know," Natchiappan said.