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Judges' wealth: Info body seeks opinions

In an attempt to settle the controversy surrounding the implementation of Right to Information Act in the judiciary, the Central Information Commission (CIC) has directed Supreme Court officials and the Department of Personnel and Training to present their views on the matter.

The CIC, in separate notices to the court and department officials, has directed them to be present before its full bench hearing on July 11 with their replies on the controversial issue of whether the wealth details of judges should be made public or not.

The commission directive follows an appeal filed by a Delhi resident, based on a series of recent reports by Hindustan Times, highlighting the refusal of Supreme Court and High Court judges to make public the details of their wealth under the RTI Act. In his appeal, Subhash Chandra Aggarwal has sought to know whether the Supreme Court implemented its own resolution making it mandatory for Supreme Court and High Court judges to submit their wealth details to respective chief justices regularly.

The resolution, passed in a full court meeting attended by 22 judges in May 1997, chaired by then Chief Justice of India, Justice JS Verma, stated: "Every judge of the Supreme Court and High Courts, should within a reasonable timeframe of appointment, provide details to the Chief Justice of all assets in the form of real estate or investment held by him, his/her spouse or anyone dependant on them".

However, it is not known whether this resolution, which did not have a legal backing was ever implemented. Asked about the resolution, Justice Verma said, "It was implemented during my tenure and at that time names of even High Court judges were cleared by the collegium only on furnishing the details of assets. I cannot comment on what happened after I demitted office in 1998".

The CIC has also issued a notice to the DoPT on a separate appeal filed by Aggarwal, in which he has sought to know whether the Chief Justice of India and High Court Chief Justices were covered under the RTI Act or not.

The appeal is based on replied given by the Supreme Court and comments made by CJI KG Balakrishnan in April this year that being a constitutional functionary, his office did not come in the purview of the RTI Act. The CIC decision in the matter would finally settle the controversy surrounding the extent to which the Act could be implemented in the judiciary.

Justice Balakrishnan's statement claiming exemption from the RTI Act, was strongly countered by Lok Sabha Speaker Somnath Chatterjee and the Parliamentary Standing Committee on Law & Justice.

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