

RTI & Supreme Court

December 4, 2019

Supreme Court brings the office of CJI under the Right to Information Act, 2005

Source: *Monthly Policy Review, PRS*

Background

In the last decade, some pleas had been filed in the **Delhi High Court and the Supreme Court's Central Public Information Officer (CPIO)** seeking details of judges' appointments, assets, and correspondences. In 2010, the Delhi High Court held that the office of Chief Justice of India will come under the Right to Information Act, 2005 (RTI Act, 2005). Consequently, the CPIO, Supreme Court filed an appeal against the decision of the Delhi High Court.

The questions before the Supreme Court included:

- Whether the office of Chief Justice of India would come under the RTI Act, 2005, and
- Whether sharing such information would undermine judicial independence, and
- Whether there are any exceptions to the sharing of information.

The decision of the Supreme Court

- **The Supreme Court upheld the 2010 judgement of the Delhi High Court and held that the office of the Chief Justice of India comes under the definition of "public authority" under the RTI Act, 2005.**
- The Court further noted that while the independence of the judiciary forms part of the basic structure of the Constitution, **bringing the office of the CJI under the RTI Act would not undermine the independence of the judiciary.**

- However, the Court stressed that when public interest demands the disclosure of information, judicial independence must be kept in mind.