



Mains Practice Question

Q. The recent judgement of the Supreme Court that brings the office of Chief Justice of India under the ambit of the Right to Information Act will give a fillip to people's quest for transparency and accountability. Comment (250 words)

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Introduction

- Recently, the Supreme Court of India upheld the **Delhi High Court judgment of 2010** which stated that the office of the Chief Justice of India (CJI) would come under the ambit of the Right to Information Act, 2005 (RTI Act), as CJI is a '**public authority**' under the RTI Act.
- It opens the doors for **enhanced transparency in the judiciary** as earlier higher judiciary in India has been criticized for its opaqueness under the doctrine of judicial independence.

Significance of the Verdict

- **Balancing transparency and judicial independence:** While ruling that the office of the CJI is a public authority, the Supreme Court held that RTI cannot be used as a tool of surveillance and that judicial independence has to be kept in mind while dealing with transparency.
- **Boost to good governance:** As of now judiciary, executive, legislature, all come under the ambit of RTI Act. This will enhance people's trust in the judiciary through increased transparency in governance.
- **Tool to address corruption in judiciary:** Also, the judgement stated that the disclosure of the details of serving judges' personal assets is now not a violation of their right to privacy. This enhances the scope of financial scrutiny of judges by public.

Challenges

- **Lack of clarity:** The SC argued that the right to know under the RTI Act was not absolute and this had to be balanced with the right of privacy of judges. **However, the public interest is nowhere defined.**
- **Enforcement of the RTI Act in judiciary:** After the recent amendment to the RTI Act, the status (in terms of administrative hierarchy) of Chief Information Commission has been reduced, which was earlier at par with the judges of the High Court. Hence, it would be difficult to penalize judicial officers in case of violation of the law.
- **Administrative burden on judiciary:** The RTI Act, 2005 did not create a new bureaucracy for implementing the law. It tasked and mandated officials in every office for dealing with RTI requests. However, this adds to the administrative burden of the bureaucracy.

Way Forward

- **Need for more transparency:** Further steps should be taken to remove opaqueness about appointments of the judges, made through the collegium system in the SC.
- **Forming a screening committee of RTI Act:** In order to reduce the administrative burden of bureaucracy (pertaining to RTI requests), a screening committee (comprised of civil society members) can be formed, which can weed out frivolous RTI requests.

- **Strengthen RTI:** RTI Act can be strengthened with **a strong Whistleblower Protection Act.**
- **Expand ambit of RTI:** The SC judgment paves the way for greater transparency. Therefore it is now the turn of other institutions such as registered political parties to be brought under the RTI Act.

Conclusion

The RTI Act is a strong weapon that enhances accountability, citizen activism and, consequently, participative democracy. In this context, the judgement can give a fillip to people's quest for transparency and accountability.

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