



# CJI under the RTI Act

## Why in News

The [Supreme Court](#) has ruled that the office of the **Chief Justice of India (CJI) is a public authority** under the [Right to Information \(RTI\) Act, 2005](#).

- A **five-judge Constitution Bench** headed by Chief Justice Ranjan Gogoi gave the ruling.

## Highlights of the Ruling

- The Supreme Court is a “public authority” and the office of the CJI is part and parcel of the institution. Hence, if the Supreme Court is a public authority, so is the office of the CJI.
  - The judiciary cannot function in total insulation as judges enjoy a constitutional post and discharge public duty.
- However, **Right to Privacy is an important aspect and has to be balanced with transparency** while deciding to give out information from the office of the Chief Justice of India.
  - **RTI cannot be used as a tool of surveillance** and that judicial independence has to be kept in mind while dealing with transparency.
- On the issue related to the appointment of judges, the Supreme Court held that only the **names of the judges recommended by the Collegium for appointment can be disclosed**, not the reasons.

## Outcome of the Ruling

- The office of the CJI will **now entertain RTI applications**.
- Under the RTI Act, 2005, every public authority has to provide information to persons requesting for the information under the Act.
  - **Public Authority** includes the body constituted by or under the Constitution. **Article 124** of the Constitution deals with the establishment of the Supreme Court of India.
  - **Information includes** any material in any form, including records, documents, memos, e-mails, etc.
- The Ruling is **an example for other bodies** such as political parties, number of schools, trusts and public-private partnerships who resist categorisation as public authorities under the Act.
- However, it has been seen that **Offices** such as those of the Prime Minister and the President which are public authorities under the RTI Act **have often denied information** quoting separate observations by the Supreme Court.
  - For instance, in 2011, the Supreme Court observed that:
    - Officials need to furnish only such information which already exists and is held by the public authority and not collate or create information, that is
    - The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties.

**Note:** The [Central Bureau of Investigation](#) (CBI) is **out of the purview of the RTI Act**. It was granted exemption in 2011.

**Source: TH**

PDF Referenece URL: <https://www.drishtias.com/printpdf/cji-under-the-rti-act>