Demand for open judiciary g

Satya Prakash
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THE FIGHT for citizens' right to
know about the details of judges'
wealth, appointments and com-
plaints of misconduct against them
reached the Supreme Court on Tues-day with a petition demanding im-
plementation of the Right to Infor-
mation Act in the judiciary.
The People's Union for Civil Lib-
erties filed a PIL seeking an order
"requesting" CJI K.G. Balakrishnan
to give directions to the Supreme
Court Secretary General and regis-
trar generals of all high courts to
provide information sought by the
public under the RTI Act, 2005.
Contending that judicial inde-
pendence and judicial accountabili-
ty were not contradictory to each
other, PUCL national president and

senior advocate K.G. Kannabiran
sought an order "requesting" the
CJI to ensure enforcement of peo-
ple's right to elicit information, un-
less withholding of it was necessary
for security reasons.
Of late, civil rights activists, top
jurists and bar leaders have stepped up the pressure on
the judiciary to act
in a more transpar-
ent manner. They
have criticised the
judiciary's stand on declaration of
assets by judges and implementa-tion of the RTI.
In his petition, the noted human
rights activist said: "The stand tak-
en by the Chief Justice of India re-
cently (on the issue of RTI and dec-
laration of assets) has created a dis-content amongst various sections of Civil Society, and various Constitu-

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tional functionaries."
Citing the CJI's recent statement
that Constitutional functionaries
were not covered under the RTI and
the judges of the Supreme Court and high courts were not bound to de-
clare their wealth, Kannabiran
pointed out that top jurists like for-
mer CJIs J.S. Verma
and VN. Khare have
disapproved it. He
also drew attention
to the reaction of
Lok Sabha Speaker Somnath Chat-terjee on the CJFs views. Chatterjee had said: "nothing should be held
back from the people."
Kannabiran said that the defini-
tion of "Public Authority" and
"Competent Authority" under the
RTI Act "left no doubt that the
judges of the Surepeme Court and high courts being public authority

grows

under the Act are amenable to the
jurisdiction of the RTI."
He sought to emphasise that citi-
zens' right to know was a fundamen-
tal right under Article 19(l)(a) of
the Constitution and the RTI Act
only provided a mechanism for its
enforcement.
"The view of the CJI that Consti-
tutional functionaries were not
obliged to give information amounts
to denial of the right of the citizen
under Article 19(l)(a) was also con-
trary to the oath of office of judges,"
the PUCL President contended.
Maintaining that courts were also
a part of the democratic process,
Kannabiran said: "Judicial inde-
pendence does not give judges the power to withhold information or to
keep things secret which are re-
quired to be made public."
satya.prakash@hindustantimes.com

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