Syllabus subtopic: Important aspects of governance, transparency and accountability, e-governance- applications, models, successes, limitations, and potential; citizens charters, transparency & accountability and institutional and other measures.

News: The Supreme Court has held that office of the Chief Justice of India is a public authority under the transparency law, the Right to Information Act.

Prelims focus: About RTI Act 2005

Mains focus: Implications and outcomes of the verdict.

- The landmark judgment was pronounced by five-judge constitution bench headed by Chief Justice Ranjan Gogoi.

Background:

Previously, the Delhi High Court judgment which ruled that office of the Chief Justice comes under the purview of RTI.

A plea filed was filed by Supreme Court Secretary-General challenging Delhi High Court’s order.

The concept of judicial independence is not judge’s personal privilege but responsibility cast on the person, the HC had said in its ruling.

About the verdict:

1. 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.
2. The judiciary cannot function in total insulation as judges enjoy a constitutional post and discharge public duty.
3. 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.
4. RTI cannot be used as a tool of surveillance and that judicial independence has to be kept in mind while dealing with transparency.

Key observations:

- Transparency doesn’t undermine judicial independence.
- Confidentiality and right to privacy have to be maintained and that RTI can’t be used for as a tool of surveillance.
What RTI act says?

- 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.