



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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Approach

- Introduce the answer by mentioning the Right to Information Act and reflecting upon the problem in the judiciary.
- Mention the implications of judgment and new challenges that emerge out of it.
- Conclude the answer by giving an optimistic way forward.

Introduction

The RTI Act, 2005, is a strong weapon that enhances accountability, citizen activism and, consequently, makes democracy participative.

- The higher judiciary was often criticized for opaqueness under the notion of **independence of the judiciary**. The recent Supreme Court decision to bring the office of the **Chief Justice of India** under the ambit of the RTI Act has reiterated the established position that **"no one is above the law"**.
- It agreed in principle to share information but on a **case-to-case basis** and subject to RTI safeguards.

Implications of Judgement

- **Transparency and Independence:** Judicial independence is meant to keep judiciary out of executive influence and judicial independence was not a judge's privilege. Therefore, the judgment holds good in making the judicial process more transparent.
- **Accountability:** People's cases relating to their life, liberty, property, and rights are decided by the high courts and the Supreme Court.
 - Therefore, people have the right to know not only the criteria but also all materials that formed the basis of making the decision.
- **Declaration of Personal Assets:** The Office of the Chief Justice of India is now obliged to disclose the details of personal assets of other judges of the Supreme Court. Hence, the judgment will boost peoples' faith in the judiciary.

Challenges

- **Judicial Burden:** 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.
 - Our judiciary is already under the burden of huge amount of pending cases, therefore, providing necessary information under RTI Act will only add to the administrative burden of

the judiciary.

- **Surveillance:** The judgment poses a threat of surveillance of the judiciary which may impact its impartial functioning.

Conclusion

Bringing the office of Chief Justice of India under RTI ambit is the landmark judgment, the next logical step would be to remove opaqueness about appointments of the judges, made through the collegium system in the SC. The verdict will make the judiciary more inclusive and boost peoples' confidence in the judiciary.

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