Centre's RTI review plea to be heard in open court

Legal Correspondent

NEW DELHI: The Supreme Court will hear in open court the Centre's petition seeking review of its judgment that only sitting or retired Chief Justices of High Courts or a Supreme Court judge can head Information Commissions.

After the September verdict, many commissions could not function properly and vacancies could not be filled, and as the court directions could not be implemented, the Centre filed the review petition.

A Bench of Justices A.K. Patnaik and Swatanter Kumar, at a brief sitting in the chamber on Tuesday, decided to hear the matter in open court considering its ramifications.

In its petition, the Centre said: "It is well settled that the court cannot issue directions to the Legislature to amend an Act or Rule. It is for Parliament to amend an Act or Rule."

The court's directions had the potential to create disarray in the functioning of the Central and State Information Commissions, and amounted to a clear error apparent on the face of the record, being in absolute disregard of the provisions of the Act, the petition said.

The RTI Act "is being used as a tool to acquire information by the common man without any legal formalities. The mechanism in place has worked effectively and expeditiously. If the status of the commissions were altered to that of a judicial tribunal and a court attached system of justice, this would only result in a delay at various levels, especially at the second appellate level. Unnecessary steps, such as engaging an advocate and other legal formalities associated with court procedures will be added, causing unnecessary delay. If it takes 3-4 years for disposal of an appeal, the entire mechanism would stop working effectively and the citizens would not be able to get the desired information within time."