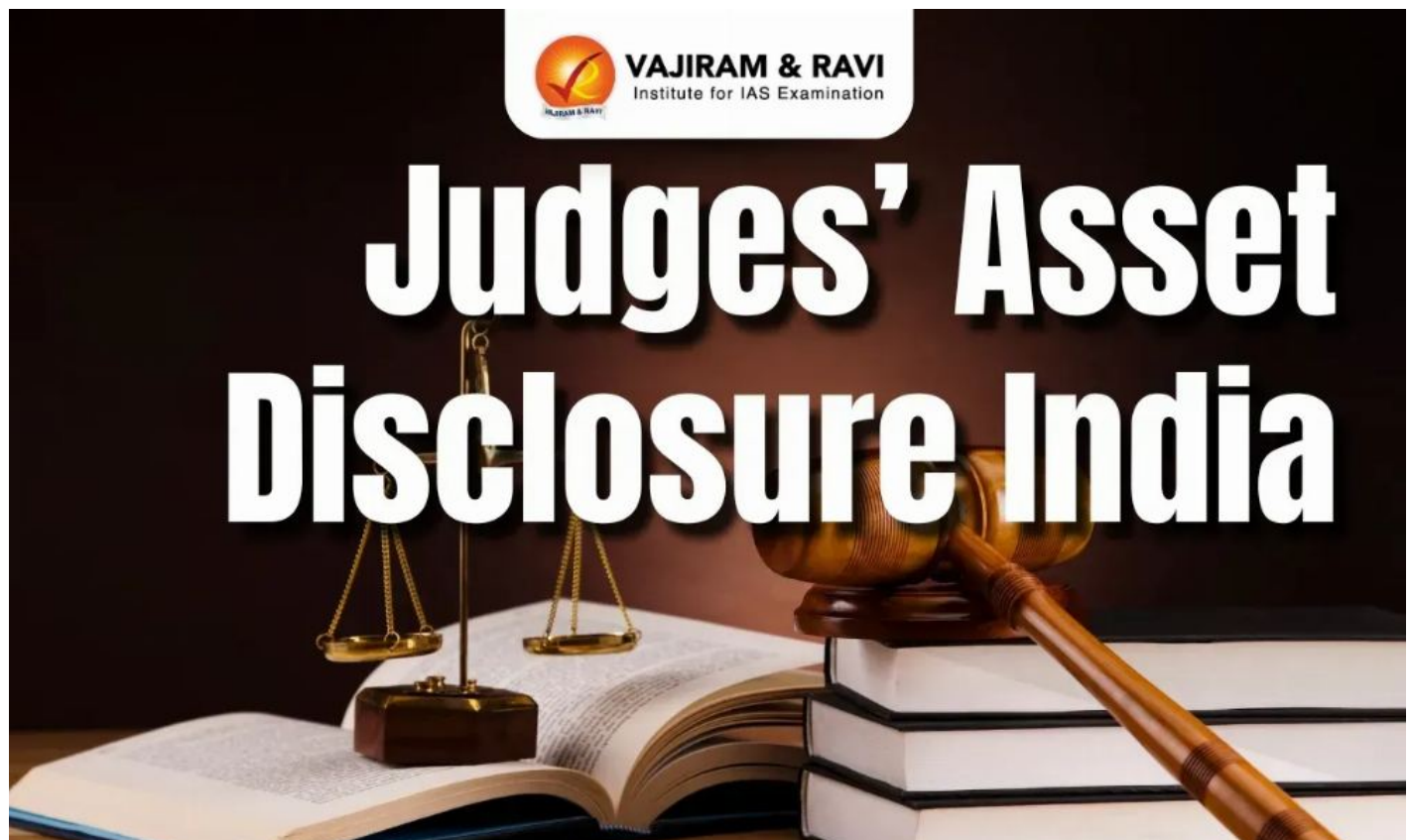


Judges' Asset Disclosure in India: Norms & Legal Standpoint

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Judges' Asset Disclosure India Latest News

- The discovery of large sums of cash at the residence of Delhi High Court judge Justice Yashwant Varma has raised concerns about corruption in India's higher judiciary.
- This incident has strengthened calls for public disclosure of judges' assets and liabilities, which, unlike other public servants, they are not obligated to reveal—and most have not done so.

Supreme Court's Position on Judges' Asset Disclosure

- **1997 Resolution**

- In 1997, under then CJI J S Verma, the Supreme Court adopted a resolution requiring judges to declare their assets, including those of their spouses and dependents, to the Chief Justice.
- However, this did not mandate public disclosure.

- **2009 Resolution**

- In September 2009, the SC full Bench decided to publish judges' asset declarations on its website, but only on a voluntary basis.
- These disclosures appeared in November 2009, and some High Courts followed suit.

- **Lack of Updates Since 2018**

- The SC website has not been updated since 2018.
- It only lists the judges who have submitted declarations to the CJI without publishing the actual disclosures.
- Former judges' declarations have also been removed.

- **2019 RTI Case and SC Ruling**

- In 2019, the Supreme Court ruled that judges' assets and liabilities do not qualify as "personal information."
- This case originated from an RTI request filed in 2009 by an activist to verify if SC judges had disclosed their assets as per the 1997 resolution.

Situation in High Courts Regarding Judges' Asset Disclosure

- **Low Compliance with Public Disclosure**

- As of March 1, 2024, only 97 out of 770 High Court judges (less than 13%) have publicly declared their assets.
- These judges belong to seven High Courts: Delhi, Punjab & Haryana, Himachal Pradesh, Madras, Chhattisgarh, Kerala, and Karnataka.
- Most High Courts oppose public disclosure.

- **Resistance from High Courts**

- In 2012, the Uttarakhand High Court passed a resolution strongly objecting to judges' asset disclosure under the RTI Act.
- The Allahabad High Court rejected an RTI request for judges' asset details, claiming it was outside the RTI Act's scope.
- Similar denials came from Rajasthan, Bombay, Gujarat, Andhra Pradesh, Telangana, Gauhati, and Sikkim High Courts.

- **Parliamentary Committee's Recommendation**

- In 2023, Parliament's Committee on Personnel, Public Grievances, and Law and Justice recommended a law mandating the disclosure of Supreme Court and High Court judges' assets.
- However, no legislative action has been taken so far.

Public Servants and Asset Disclosure

- **Mandatory Asset Declarations**

- Unlike judges, most public servants are required to declare their assets, with this information often being publicly accessible.
- The RTI Act of 2005 has played a crucial role in ensuring transparency and accountability in government operations.

- **RTI's Role in Public Disclosure**

- Government officials must annually declare their assets to their respective cadre-controlling authorities, and in most cases, these details are available in the public domain.
- Several states, including Gujarat, Kerala, and Madhya Pradesh, have strict provisions mandating asset declarations by bureaucrats, which can be accessed through RTI applications.

- **Ministers and MPs**

- Since 2009, it has become standard practice for Union Ministers, including the Prime Minister, to submit asset declarations to the PMO, which are accessible via its website.
- Many state governments have followed this practice.
- MPs submit their asset details to the Speaker (Lok Sabha) or Chairperson (Rajya Sabha), and while not publicly available by default, they can generally be accessed through RTI applications.

- **Asset Disclosure for Election Candidates**

- Candidates contesting elections for Parliament, State Assemblies, or Legislative Councils must publicly declare their assets and liabilities as part of the nomination process.
- This requirement was established by a 2002 Supreme Court ruling mandating asset disclosure for electoral candidates.
- These declarations are the most detailed among public servants, and even minor errors can lead to the rejection of a candidate's nomination.

Judges' Asset Disclosure India FAQs

Q1. Are Indian judges required to disclose their assets?

Ans. No, judges are not legally obligated to publicly disclose assets, though voluntary disclosures exist.

Q2. When did the Supreme Court adopt asset disclosure norms?

Ans. In 1997, the SC required judges to declare assets privately to the Chief Justice but did not mandate public disclosure.

Q3. What did the Supreme Court rule in the 2019 RTI case?

Ans. The SC ruled that judges' asset details are not "personal information" and should be disclosed under RTI.

Q4. How many High Court judges publicly disclosed assets in 2024?

Ans. As of March 1, 2024, only 97 of 770 judges (about 13%) have publicly declared their assets.

Q5. Do election candidates in India disclose assets?

Ans. Yes, candidates for Parliament and State Assemblies must declare assets and liabilities during nomination per a 2002 SC ruling.

Source: IE | ET

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