

Judicial Transparency

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Judicial Transparency : Ensuring Accountability in the Higher Judiciary

Context

The **Supreme Court of India**, in a recent **full court meeting**, has resolved that its judges will soon begin **publicly disclosing their assets and liabilities**. This development is seen as a move to enhance **judicial transparency and accountability**, aligning with broader standards applicable to other public officials.

Judicial Asset Disclosure: Past to Present

Supreme Court Judges

- In **1997**, a resolution was adopted requiring judges of the SC to **disclose assets only to the Chief Justice of India (CJI)**.
 - This includes **real estate and financial investments** in the name of the judge, spouse, or dependents.
 - In **2009**, the full bench resolved to make asset declarations **voluntarily available** on the SC website.
 - In **2019**, the SC held that **judges' asset declarations are not 'personal information'**, opening scope for wider public access.
 - In the **latest resolution (2024)**, the SC has agreed to **publicly disclose asset declarations**, marking a shift from internal to external transparency.
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High Court Judges

- India has around **770 High Court judges**, but only **97 judges (13%)** have made their assets public.
 - Many High Courts have **resisted public disclosure**, citing concerns over independence and privacy.
 - In **2012**, the **Uttarakhand High Court** strongly objected to bringing judicial asset disclosure under the **Right to Information Act**.
 - In **2023**, a **Parliamentary Committee on Law and Justice** recommended legislation to **mandate asset disclosures** by SC and HC judges.
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Challenges in Implementation

- **Incomplete disclosures** - The SC website lists **only 28 out of 33 judges** as having submitted declarations, with **no public access** to actual details.
 - **Lack of archival access** - Asset disclosures of **former judges have been removed** from the website.
 - **No legal binding** - Disclosures are still made **voluntarily**, without any **mandatory legal framework**.
 - **Institutional resistance** - Some courts oppose making disclosures subject to **RTI** or public scrutiny.
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Asset Disclosure by Other Public Officials

Public Servants

- Must annually declare assets to **cadre-controlling authorities** under **service rules**.
- Information may be accessed under the **RTI Act, 2005**.

State Bureaucrats

- States like **Gujarat, Kerala, and Madhya Pradesh** require asset disclosure from

bureaucrats.

Ministers

- Since **UPA-II (2009-2014)**, Union Ministers (including PM) submit asset declarations to the **PMO**.
- Several state governments follow this practice.

MPs and MLAs

- **Lok Sabha MPs** declare assets to the **Speaker**; **Rajya Sabha MPs** to the **Chairperson**.
- Declarations are available through **RTI** or published online.

Election Candidates

- As per a **2002 Supreme Court ruling**, candidates must disclose:
 - **Assets and liabilities**
 - **Criminal cases**
 - **Educational background**
- This is a **mandatory and public process** at the time of filing nominations.

Conclusion

Judicial transparency is essential in a democracy. The Supreme Court's move to **publicly disclose judges' assets** is a significant step toward **building public trust**, aligning the judiciary with the standards set for other public institutions. For lasting impact, it is essential to:

- Enact **uniform legislation** for both SC and HC judges.
- Ensure **regular, comprehensive, and accessible** disclosures.

- Strengthen **institutional accountability** without compromising **judicial independence**.

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