

## **PUBLIC DISCLOSURE OF JUDGES' ASSETS - POLITY**

**NEWS:** In the wake of controversy surrounding the alleged **discovery of unaccounted cash** at the residence of Justice Yashwant Varma of the Delhi High Court, the **Supreme Court judges have unanimously resolved to publicly disclose their assets and liabilities.**

- This decision was taken at a **full court meeting held on April 1, 2025**, chaired by **Chief Justice of India (CJI) Sanjiv Khanna**, to restore public trust and reinforce judicial accountability.

### **WHAT'S IN THE NEWS?**

#### **Reviving Asset Declarations in the Supreme Court**

1. The Supreme Court of India had initiated the practice of **publishing judges' asset declarations** in **2009**, but this process gradually stopped over the years.
2. In a renewed effort to uphold **transparency and institutional accountability**, the practice was **revived in 2025**.
3. As of now, **31 out of 33 sitting judges**, including the **Chief Justice of India (CJI)**, have submitted their **asset and liability declarations**.
4. The two newly appointed judges, **Justices K. Vinod Chandran and Joymalya Bagchi**, have not yet filed their declarations.
5. In a significant departure from past confidentiality, the **Supreme Court will now upload these declarations to its official website**, enhancing public access.

#### **Public Access to Judges' Asset Declarations**

1. Previously, **asset and liability declarations** by judges were **submitted confidentially** to the CJI.
2. The current move introduces **public disclosure via the court website**, making **asset information available to citizens**.
3. This step aims to **boost transparency**, align with democratic expectations, and build public trust in judicial conduct.

## Understanding Judicial Accountability

1. **Judicial accountability** refers to the **responsibility of judges to make decisions** based on law, reason, and facts, and to **justify them through written, reviewable judgments**.
2. It includes **ethical conduct, transparency in decision-making**, and mechanisms for redressal or review when standards are not met.
3. Tools for accountability include **asset disclosures, judicial performance evaluations**, and structured **disciplinary mechanisms**.
4. Such mechanisms seek to ensure that **judges uphold the rule of law and maintain public confidence** in the justice system.

## Arguments on Public Disclosure of Judges' Assets

### Arguments Against Disclosure

1. **Privacy Concerns:** Judges are wary of **undue intrusion into their personal financial affairs** and fear **misuse of disclosed data**.
2. **Security Risks:** Public visibility of assets may make **judges and their families vulnerable** to threats, blackmail, or harassment.
3. **Past Backlash:** Earlier disclosures led to **public criticism**, e.g., judges listing **“daughter’s marriage” as a liability**, raising concerns about public perception.
4. **Low Voluntary Compliance:** The voluntary nature of disclosure has led to **inconsistency**, with only **13% of High Court judges** complying in 2023.

### Arguments in Favour of Disclosure

1. **Promotes Transparency:** Public asset declarations **enhance accountability** and help build **public trust in judicial integrity**.
2. **Prevents Corruption:** Transparency reduces the scope for **illicit wealth accumulation** and encourages **financial propriety**.

3. **Global Best Practice:** Many democratic countries mandate such disclosures, aligning India with **international standards of ethical governance**.
4. **Builds Confidence:** Public can be assured that **judges are impartial and uninfluenced**, improving the credibility of the judiciary.

### **RTI Provisions and the Judiciary**

1. In **2019**, the **Supreme Court** ruled that the **office of the Chief Justice of India (CJI)** is a “**public authority**” under the RTI Act.
2. This ruling affirmed a **2009 judgment by Justice Ravindra Bhat**, which recognized the obligation to **disclose judges’ assets** under the RTI framework.
3. The ruling upholds citizens’ **right to information** while balancing the need for **judicial transparency** and independence.

### **Balancing Transparency with Judicial Independence**

1. **CJI Sanjiv Khanna** emphasized that **transparency and independence are not contradictory values**—they must function together in a healthy democracy.
2. The judiciary must be **accountable to the people it serves**, but also **free from external pressures** in decision-making.
3. **Asset declarations**, when properly handled, can **strengthen both transparency and judicial credibility**.

### **Steps Taken by Judiciary to Enhance Transparency**

1. **1997 Full Court Resolution:** On **May 7, 1997**, the Supreme Court adopted a resolution requiring judges to **declare real estate and investments to the CJI** within a reasonable time after appointment.
2. **2009 Full Court Decision:** Under **CJI K.G. Balakrishnan**, the Supreme Court resolved to **publish judges’ asset declarations online**, after public demand and internal debate.

3. **2025 Full Court Reaffirmation:** In **April 2025**, the Supreme Court **reaffirmed this commitment** in a full court meeting.
4. Judges are expected to file declarations by **July 31, 2025**, after completing their **income tax returns**, and these will be **uploaded for public view**.

#### **Comparative Analysis: Judicial Asset Disclosure in Other Countries**

| <b>Country</b>        | <b>Asset Disclosure Requirement</b>                 | <b>Transparency Measures</b>                          | <b>Accountability Mechanisms</b>                                      |
|-----------------------|---|---|---|
| <b>India</b>          | Voluntary for judges; low compliance                | SC publishes some voluntary disclosures               | Internal judicial oversight; lacks a legal mandate                    |
| <b>United States</b>  | Mandatory under the <b>Ethics in Government Act</b> | Annual financial reports publicly accessible          | Judicial Conference monitors compliance; penalties for non-disclosure |
| <b>United Kingdom</b> | No legal requirement for asset disclosure           | Judicial Appointments Commission ensures transparency | Independent Office for Judicial Complaints handles misconduct         |
| <b>Canada</b>         | Judges declare assets privately to CJC              | Public complaints accepted regarding misconduct       | Canadian Judicial Council reviews conflicts; disclosures confidential |

Source: <https://indianexpress.com/article/india/sc-judges-declaration-assets-public-9921975/>