Disclosure of Assets

Prelims – *Indian Polity and Governance-Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.*

Mains (GS II) – *Important aspects of governance, transparency and accountability, e-governance.*

Why in news?

Recently, the Supreme Court (SC) decided in a full court meeting that its judges will soon make their assets public to enhance transparency within the judiciary.

- Unlike government officials and politicians, judges are currently not bound to make this information public.
- **Supreme Court Judges** – In 1997, a resolution was adopted for the Judges of the SC to *disclose their assets only to the Chief Justice*.
- The disclosure includes all assets in the form of real estate or investments held in their names, in the name of their spouses, or any dependent person.
- In 2009, the full Bench of the SC resolved *to declare the assets of judges on the court's website* "purely on a voluntary basis."
- The apex court itself held in 2019 that the assets and liabilities of judges are not "personal information."
- In its latest resolution, the *SC has collectively decided to make asset disclosures publicly accessible*, reinforcing its commitment to accountability.
- **High Court Judges** – Out of the 770 judges in all High Courts, only 97 (13%) of these judges have publicly declared their assets and liabilities.
- Most High Courts in the country have been *against the public disclosure of their judges' assets and liabilities*.
- In 2012, the Uttarakhand High Court passed a resolution stating that it "*strongly objects to bring disclosure of assets by Judges under the purview of Right to Information Act*".

In 2023, Parliament's Committee on Personnel, Public Grievances, and Law and Justice stated that legislation would be introduced to ensure mandatory disclosure of assets and liabilities by judges of the SC and High Courts.

- **Challenges** – Declarations by current judges are not available.
- The website only gives a list of 28 judges of the court (out of 33) "who have submitted their declarations of assets" to the CJI.
- Declarations by former judges have also been removed from the website.

Measures taken for disclosure of Assets

- **For Public servants** – Are often mandated to declare their assets, and this information is often easily accessible to ordinary citizens.
- *Right to Information Act, 2005* requires government officials to *annually declare their assets to their respective cadre-controlling authorities*.
- **For state Bureaucrats** – Several states such as Gujarat, Kerala, and Madhya Pradesh, have provisions to ensure *state-level bureaucrats declare their assets*.
- **For Ministers** – Since UPA-2 government (2009-14), it has become a norm for *Union Ministers, including the Prime Minister to submit their declarations to the PM's Office*.
    - Many state governments have followed this suit.
- **For elected members** – Members of Parliament submit their declarations of Assets to the Speaker (for Lok Sabha MPs) and the Chairperson of the House (for Rajya Sabha MPs).
- They can generally be *accessed through RTI applications* and this is similar for most states.
- **For election contestants** – Anyone contesting an election to Parliament or any state Assembly or Council must publicly declare their assets and liabilities *as a part of the nomination process*.
- This provision was *mandated by the Supreme Court in 2002*.

Reference

The Indian express | Disclosure of Assets to public

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