

# What are the norms surrounding disclosure of judges' assets?

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Public servants, unlike judges, are often mandated to declare their assets, and this information is often easily accessible to ordinary citizens.

**The discovery of wads of cash at the residence of Delhi High Court judge Justice Yashwant Varma has raised concerns regarding corruption in India's higher judiciary.**

Among other things, it has given impetus to those arguing for the public disclosure of judges' assets and liabilities. Unlike other public servants, judges are not bound to make this information public, and in the majority of cases, they have not done so.

### Where the SC stands

In a meeting in 1997 chaired by then Chief Justice of India J S Verma, the Supreme Court adopted a resolution which stated: "Every judge should make a declaration of all assets in the form of real estate or investment held in their names, in the name of their spouses or any other person dependent on them, to the Chief Justice."

This was not a call for public disclosure of the assets of judges — only a disclosure to the Chief Justice.

Later, in a meeting held on September 8, 2009, the full Bench of the Supreme Court resolved to declare the assets of judges on the court's website, but added that this was being done "purely on a voluntary basis". These declarations appeared on the SC website in November that year after which a few High Courts followed suit.

But the SC website has not been updated since 2018. In fact, the website does not contain the declarations submitted by current judges. It simply gives a list of the 28 judges of the court (out of a total 33) "who have submitted their declarations of assets" to the CJI. Declarations by former judges have also been removed from the website.

This is despite the fact that the apex court in 2019 held that judges' personal assets and liabilities are not "personal information". This was in a case that began in January 2009 when Right to Information (RTI) activist Subhash Chandra Agarwal filed an RTI application to determine whether SC judges had indeed declared their assets to the CJI, as had been resolved in 1997.

### Situation in High Courts

As of March 1 this year, there are 770 judges in all the High Courts put together. Of these, only 97 judges from seven High Courts — [Delhi](#), Punjab & Haryana, Himachal Pradesh, Madras, Chhattisgarh, Kerala, and Karnataka — have publicly declared their assets and liabilities. This amounts to less than 13% of all High Court judges.

Most High Courts in the country have been against the public disclosure of their judges' assets and liabilities.

The Uttarakhand High Court in 2012 had passed a resolution stating that it “strongly objects to bring disclosure of assets by Judges under the purview of Right to Information Act.”

[The Indian Express](#) had earlier filed an RTI application requesting information regarding the assets and liabilities of the judges of the Allahabad High Court. The court rejected the request, saying that such information fell outside the ambit of the RTI Act.

This newspaper received similar responses to its RTI applications from a number of other High Courts, including the Rajasthan, Bombay, Gujarat, Andhra Pradesh, Telangana, Gauhati, and Sikkim HCs.

In view of this situation, Parliament's Committee on Personnel, Public Grievances, and Law and Justice had recommended in 2023 that legislation should be introduced to ensure the mandatory disclosure of assets and liabilities of judges of the Supreme Court and High Courts. But there has been no progress on the recommendation yet.

### **Unlike many public servants**

Public servants, unlike judges, are often mandated to declare their assets, and this information is often easily accessible to ordinary citizens.

The passage of the RTI Act in 2005, which seeks to promote transparency and accountability in the working of the government, has played a key role in this regard.

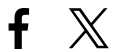
For instance, the RTI Act has pushed government officials to annually declare their assets to their respective cadre controlling authorities. In the majority of cases, these are available in the public domain.

Several states, such as Gujarat, Kerala, and Madhya Pradesh, have strict provisions to ensure state-level bureaucrats declare their assets. These too can be often found in the public domain, or can be accessed through RTI applications.

Beginning with the UPA-2 government (2009-14), it has become a norm for Union Ministers — including the Prime Minister — to submit their declarations to the Prime Minister's Office. Nowadays, these can be accessed via the PMO's website. Many state governments have followed suit.

Members of Parliament submit their declarations to the Speaker (for Lok Sabha MPs) and the Chairperson of the House (for Rajya Sabha MPs). While these are not put before the public, they can generally be accessed through RTI applications. The situation is similar in most states.

Moreover, 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 process was established as a result of a 2002 order by the SC mandating the same. These are by far the most detailed declarations that any public servant has to make, and even a minor mistake can lead to a candidate's nomination being rejected.

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*Shyamlal Yadav is one of the pioneers of the effective use of RTI for investigative reporting. He is a member of the Investigative Team. His reporting on polluted rivers, foreign travel of public servants, MPs appointing relatives as assistants, fake journals, LIC's lapsed policies, Honorary* [... Read More](#)

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