



SC judges not averse to declaring assets: Vahanvati

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New Delhi : The Supreme Court on Tuesday said its judges are not averse to declaring their assets and Parliament can enact a law pertaining to such declaration, but it must be ensured that the law is not misused.

"Judges of the Supreme Court are not opposed to declaring their assets provided that such declaration are made in accordance with due procedure laid down by a law," Solicitor General G E Vahanvati told Delhi High Court Justice S Ravinder Bhat.

Vahanvati said the law should properly define what is asset. He said there should be a proper law prescribing the manner of declaration with proper safeguard to prevent misuse of such information.

"To have the force of law, it must emanate from statute. Law has also to provide punishment for non-compliance," Vahanvati said.

He said the legislation should empower the CJI to decide whether such information should be made public or not. The Solicitor General told the Delhi High Court that the office of the Chief Justice of India does not come within the domain of the Right to Information (RTI) Act and information pertaining to judges' assets cannot be revealed under the law.

Vahanvati, appearing for the apex court, contended that a resolution passed by its judges pertaining to declaration of assets is not binding in law.

"The said resolution dated May 7, 1997, does not have the force of law. In these circumstances, the RTI applicant has no right to access information, as such information is not held by any public authority under any law," he said, adding such declarations are confidential as per the resolution and can't be disclosed to the public.

The court, in its affidavit, pleaded that information pertaining to judges' assets are personal in nature and can't be revealed to the public.

"It is submitted that the information which is sought for (pertaining to judges assets) is purely and simply personal information, the disclosure of which has no relationship to any public activity," the apex court said in its affidavit.

"It is submitted that the information sought is not in public domain. The voluntary declaration given by the judges cannot be said to be information in public domain. Under the RTI Act, the right to information is in respect of information which is required to be held by a public authority under any provision of law. In the instant case, there is no legal or constitutional requirement for filing the declaration and as such, the declaration filed, if any, cannot be the subject matter of the Act," the court said.