

**Bill No. IV of 2009**

THE DECLARATION OF ASSETS AND LIABILITIES BY  
SUPREME COURT, HIGH COURT AND SUBORDINATE  
COURT JUDGES BILL, 2009

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BILL

*to provide for declaration of assets and liabilities by Judges of Supreme Court, High Court and Subordinate Courts to a designated authority; to provide for rights to the Central Government to call for information on declaration of assets and liabilities and; to provide for penalty for non-declaration or forged declaration of assets and liabilities and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Declaration of Assets and Liabilities by the Supreme Court, High Court and Subordinate Court Judges Act, 2009.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed day” means the first day of January, 2009.

(b) “assets and liabilities” means assets and liabilities in and outside India and includes movable and immovable property.

(c) “Judge” includes Magistrate, Sub-Judges or any other person performing judicial functions under the judicial set up by whatever name called.

(d) “prescribed” means prescribed by rules made under this Act.

**3.** (1) Every Judge of the Supreme Court, High Court and Subordinate Court shall, within forty-five days of the coming into force of this Act make, in such form as may be prescribed, a declaration of all—

(a) his assets and liabilities;

(b) the assets and liabilities of his spouse;

(c) the assets and liabilities of each of his children on the appointed day.

(2) Where a person who on the commencement of the Act is not a person to whom this Act applies becomes thereafter a person to whom this Act applies, he shall, within forty-five days of his appointment, make a declaration of his assets and liabilities as on the day of his appointment.

(3) The declaration of assets and liabilities that a Judge is required to make under sub-section (1) or sub-section (2) shall, unless such person ceases to be a Judge, be made periodically in every third year after the first declaration of assets and liabilities or at such shorter periodic intervals as the Parliament may by resolution determine.

**4.** The declaration of assets and liabilities shall be made in the following manner:—

(a) To the President—by the Chief Justice of India.

(b) To Chief Justice of India—by Supreme Court Judge, Chief Justice of High Court and Judges of High Court.

(c) To the Chief Justice of High Court—by Session Judge, District Judge and Other Subordinate Judges.

To whom declaration of assets and liabilities are to be made.

Power to refer to declaration of assets and liabilities.

Non-declaration or false declaration of assets and liabilities.

Power to remove difficulties.

Act to have overriding effect.

Power to make rules.

**5.** The Central Government shall have the right to call for and refer to any declaration of assets and liabilities made by the Supreme Court, High Court and Subordinate Court Judges and such information shall also be made available to any citizen under the provisions of the Right to Information Act, 2005.

**6.** (1) In case a Judge—

(a) who fails without reasonable cause to make any declaration of assets and liabilities which he is required to make under section 3; or

(b) who makes any false statement in any such declaration; or

(c) who otherwise contravenes any other provisions of this Act,

the matter shall be dealt under the Contempt of Court Act, 1971 as if it is the contempt of court.

**7.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

**8.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time in force.

**9.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Of late, controversies have been generated on the issue of declaration of assets by the Judges of the Supreme Court. The Central Information Commission has opined that the information relating to assets and liabilities of the Judges comes under the preview of Right to Information ( RTI) Act, 2005 and, therefore, it should be made available to the citizens. On the other hand, the judiciary feels that the information which is available with the Chief Justice of India does not come under the preview of the RTI Act and, therefore, the information relating to assets and liabilities of Judges which is available with the Chief Justice of India cannot be given under the RTI. It is being largely felt that there should not be any objection to the Judges in declaring their assets and liabilities or making available this information to the citizens. As the Law stands today, even the Members of Parliament are bound to declare their assets and liabilities within a specified period after taking oath as Members of Parliament. In order to put the controversy at rest it is felt necessary that there should be a mandatory provision for declaration of assets and liabilities by the Supreme Court, High Court and Subordinate Judges.

Hence this Bill.

MAHENDRA MOHAN

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

The rules will relate to details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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*(Shri Mahendra Mohan, M.P.)*