

Judicial Transparency Under the Right to Information Regime: Balancing Court Independence, Public Accountability, And Institutional Secrecy

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Abstract

The degree to which the judiciary can be required to embrace transparency without compromising freedom to decide, private deliberations, or legitimate confidentiality as an independent branch of the government remains an enduring question as far as the Indian Constitution is concerned. This Article critically examines the constitutional right to know, the Right to Information Act, 2005, the major judicial pronouncements on the issue of court and judges' related disclosures, and the recent institutional materials of the Supreme Court of India, including the Supreme Court of India's annual reports, quarterly Right to Information responses, and 2025 disclosures. In the absence of absolute secrecy and openness, Indian law has moved to an approach where the public nature of the judiciary mandates significant disclosures, and privacy and fiduciary and security concerns, as well as partial deliberations, justify nondisclosure. In addition, the Article argues that the modern transparency regime extends beyond the individual requests for information and encompasses proactive disclosures, electronic submissions, and systematic, public reports. The primary assumption made in the Article is that the best way to achieve judicial legitimacy and maintain the independence of the judiciary is to develop transparent and rational disclosure policies that balance the need to maintain the secrecy of the judicial process.

Keywords: Right to Information; judicial transparency; judicial independence; open justice; Supreme Court of India

1.1 INTRODUCTION

India's Constitution dedicates itself to facilitating an environment of open government and government transparency. This has been linked to ensuring the public knows how government power is managed. In the case of *State of Uttar Pradesh v. Raj Narain*¹, the Supreme Court of India linked the right to know to the fundamental right of free speech and expression, thereby situating the right to know within the context of the right to participate in the processes of self-government. This particular idea/insight influenced the drafting of the Right to Information Act of 2005 and made government transparency a legal right, changing the government's transparency from an aspirational principle to a legal principle. However, the judiciary

¹ (1975) 4 SCC 428.

has a unique position within this particular context because the judiciary is the ultimate protector of the Constitution, yet some of its administrative practices also might require legal right to transparency scrutiny.

Demand for information about the inner workings of the courts creates greater tension than requests for information about the content of court judgments. Inquiries about judges' private asset declarations, collegium materials, complaints handling and appointments create a particular set of challenges for the balance of public accountability and institutional independence. That balance's constitutional importance was demonstrated in *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*², wherein the Supreme Court of India endorsed neither total immunity nor unconditional disclosure while emphasizing the principles of privacy, secrecy and the independence of the judiciary. Legally mandated transparency of the judiciary in India cannot be equated to either a usual level of transparency in the government bureaucracy, or to a condition of uncompromised secrecy.

This Article hopes to address the issue through doctrinal analysis in an Indian context. It analyzes the constitution's foundation of the right to know, the framework of the Right to Information Act of 2005, seminal cases of judicial disclosure, and the recent behaviour of the Supreme Court of India. The given viewpoint is that the Indian legal system is now in favor of a model of controlled institutional transparency. That is, courts are now expected to reveal a considerable amount of administrative and public-interest information, while the protection of deliberative processes, personal information, and a tightly drawn category of judiciary information, is still warranted. The legitimacy of the judiciary is now more focused on whether the boundaries of deliberative processes are reasoned and published, and whether the boundaries are open to public scrutiny.³

1.2 CONSTITUTIONAL FOUNDATIONS AND STATUTORY DESIGN

The discussion on the transparency of the judiciary is a part of the India Constitution and the larger framework of statutes. The right to know was created through a process of judicial review. It was only later that it was brought under legislative control. Even today, the framework and reasoning of the right to know are derived from both processes.⁴

1.2.1 The Right to Know as a Constitutional Principle

Rather than starting from a statute, the modern Indian transparency framework grew from a constitutional concept. With the case of *S. P. Gupta v. Union of India*⁵, the Supreme Court substantiated the point that open government is a constitutional principle and that disclosure is, as a general rule, the principle in cases involving public bodies. Although this case happened to be in a different context of the law, the case's value lay in the Court's outright denial of the custom of official secrecy. This orientation remains key, as requests regarding the courts concern more than the simple procedural issue of record requests; they address the fundamental issue of whether the exercise of constitutional authority may be governed and controlled in a democratic manner.

The Right to Information that has evolved out of scholarly publications has shown that the statute did not create the principle of transparency, but rather propagated principles that had in fact existed in

² (2020) 5 SCC 481.

³ Government of India, "Right to Information: Master Key to Good Governance" 10 (Second Administrative Reforms Commission, June, 2006).

⁴ M. P. Jain, *Indian Constitutional Law* 117 (LexisNexis, Gurgaon, 8th edn., 2022).

⁵ 1981 Supp SCC 87.

constitutional law and in the discussion and debate surrounding administrative reforms within the law. Therefore, the judiciary is a participant in the transparency regime. In response to the need to address the constitutional right to know, it has to respond as well. This explains why the issues of judicial transparency often create the greatest resistance: disclosure seems to challenge the institution that has historically legitimized transparency.⁶

1.2.2 The Right to Information Act, 2005 and the Judicial Branch

The Right to Information Act 2005 mentions public authority in broad terms and establishes an overarching entitlement to information with some exceptions. When considering with various case decisions on 'right to know' incorporated in the Constitution, it appears the legislature had little justification for saying the judiciary was completely outside the remit. Perhaps, the more difficult question was not whether the judiciary was part of the Act, but which types of judicial information are appropriately disclosable under the Act, and at what point and what would the rationale be.⁷

The Supreme Court's decision of the Chief Justice of India's office being part of the Supreme Court, and therefore, a public authority and being subject to the Act, was a finality to that. Formal classification of institutions would not be the focus, and the Court would not create a 'more secret' zone for the judiciary. The Court also would not place the judiciary in the same category as the other departments. The Court would let other secret zones be the same as the legislature, and would let the judiciary be subjected to the same Act as the public, with the same protections, provided the public interest was large enough and the need for protection of private information existed.⁸

1.2.3 Proactive Disclosure and the Architecture of Transparency

The statute aims to achieve more than a request-based structure for information. Its democratic intention is more evident under Section 4 which attempts to diminish the seclusion by mandating the periodic disclosure of an organisation's governance structure, processes, and pertinent information. The empirical research and studies of Indian democratic and open governance suggest that the effectiveness of the system is not dependent upon adjudicating each and every request, but rather on the construction of systems of routine disclosure and digital availability. This is an important insight for the courts as the repeated requests for the same information about an institution often indicate a failure to publish the information, and are not related to the actual merits of a claim for a legitimate exception.⁹

The Transparency and Digital Governance Brief of 2020 argues that Transparency today is the result of how information is organised, updated and made available by public systems. The Right to Information Portal of the Supreme Court of India¹⁰ and the Section 4 and other materials and regularly uploaded returns reveal that the Indian Judiciary is rather moving towards an extended view of Transparency. Though the distance between on-paper compliance and Transparent Governance is still significant. A system may publish all the information and materials and still not provide adequate explanation to the public regarding key decisions, criteria and thresholds of accountability.¹¹

⁶ Sudhir Naib, *The Right to Information in India* 91 (Oxford University Press, New Delhi, 1st edn., 2013).

⁷ The Right to Information Act, 2005 (Act 22 of 2005), ss. 2(h), 3, 4, 8.

⁸ *Supra* note 2.

⁹ B. S. Ghuman, Mohammad Sohail, "Right to Information Act, 2005 in India: A Decadal Experience", 63 *Indian Journal of Public Administration* 228 (2017).

¹⁰ Right to Information, available at: <https://www.sci.gov.in/rti/> (last visited on May 6, 2026).

¹¹ Khushi Mandowara, Vineeth Thomas, "Proactive Transparency in Governance: A Comparative Study of Digitalisation of the Right to Information Act in Central and State Governments in India", 8 *Asian Journal of Comparative Politics* 594 (2023).

1.3 JUDICIAL ELABORATION OF TRANSPARENCY WITHIN THE JUDICIARY

Indian courts do not seem to rely on a single unifying doctrinal method to integrate transparency in the judicial process. Instead, the law has evolved in relation to the disputes surrounding the declaration of assets, inter-office communication, reasoning in decisions, and access to the courtroom. Collectively, these disputes show a gradual shift away from the generalized idea of judicial openness toward a more differentiated model of balancing.¹²

1.3.1 From Foundational Openness to the Office of the Chief Justice

The Delhi High Court's Full Bench decision in *Secretary General, Supreme Court of India v. Subhash Chandra Agarwal*¹³ was a landmark decision, as it denied the claim that the Chief Justice of India's office was institutionally protected from the provisions of the Right to Information Act. The decision acknowledged that the judiciary's constitutional position does not grant them a shield from their accountability. Therefore, it was providing the space to shift the discussion from whether judicial administrative information can be made public to the criteria that should govern the making of that information public.

The later refinements in the Constitution Bench findings substantiate this later advanced position. The more notable aspect of the 2019 ruling was not a thin veneer approach to openness. Instead, the Bench argued for a more structured approach to opacity in the judiciary that considered a balancing test for the greater public interest, the demand for privacy, and the function of the judiciary. The opacity of the judiciary was not institutionalized in the name of independence, neither was the right to unrestricted access to court ceremonial and correlative activities institutionalized in the name of accountability. It was the induction of the judiciary to participate in the statutory balancing process.¹⁴

1.3.2 Decisional Secrecy and the Limits of Access

There is a more subsisting jurisprudence of attempts to invoke the Right to Information Act in order to gain access to the reasons that formulate the decisions of the judiciary. In *Khanapuram Gandaiah v. Administrative Officer*¹⁵, the Supreme Court asserted that it was not possible to compel a public information officer to explain the reasoning behind a judge's decision or how a judge executed his or her decision. The ruling is significant in that it separates the demand for the judiciary's reasoning from the request for access to the judiciary's decisions. Adjudication is not a process that is elastic to the demand for an interrogatory relationship with judges.

The Act's exemption structure provides sharper boundaries to discretionary powers. The Supreme Court of India in *Institute of Chartered Accountants of India v. Shaunak H. Satya*¹⁶ discussed the fiduciary relationship and the circumstances under which the information could be revealed to serve the greater public good. The case did not relate to the court's records. However, it shows that claims of confidentiality cannot be taken at their word which, in this case, holds good for courts. A public body could not simply assert that information is sensitive, and expect the court to rely on that assertion, but would have to articulate the protected interest in specific terms, and deal with that in particular.

¹² S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* 126 (Oxford University Press, New Delhi, 2nd edn., 2002).

¹³ 166 (2010) DLT 305 (FB).

¹⁴ *Supra* note 2.

¹⁵ (2010) 2 SCC 1.

¹⁶ (2011) 8 SCC 781.

1.3.3 Open Justice in the Digital Era

Judicial transparency does not end at the disclosure of documents. The open justice principle also extends to public participation in proceedings, providing the reasons for decision, and the visible presence of courts in institutions. In *Swapnil Tripathi v. Supreme Court of India*¹⁷, the Supreme Court held that live streaming of proceedings is an important step in the direction of open justice, in particular in cases of a Constitutional nature. This decision is of relevance because it holds that judicial transparency is a direct and democratic relationship with the public which extends beyond the procedural aspects of the Right to Information Act. We need to understand justice as we compare studies. Courts are more than just the outcome. Courts rely on the outcome being seen, the outcome being understood, and the courts justifying their use of public power. The use of digital tools to create evidence, create records, and document legal decisions increases the public's trust in the legal system. However, digital records and digital tools can create increased public trust in the system, as well as unintended outcomes of legal surveillance and a hostile public that judges the outcome without knowing the evidence. The most important lesson we can learn from this is that no level of openness can be too much if the tools are used in the right way.¹⁸

1.4 JUDICIAL INDEPENDENCE, PRIVACY, AND THE CASE FOR LIMITED SECRECY

These are not the only frustrating effects of the need to be legally transparent for the courts, nor are they unreality based. Courts need to find the delicate balance of openness and transparency with the need to keep the seals on legally private public judiciary information. The most important legal issue to address is that the courts keep the balance of legitimate transparency and the courts balance unnecessary confidentiality that legally unsafe public judicial power.¹⁹

1.4.1 Judicial Independence as a Limiting Value

Judicial independence safeguards against external pressures, post hoc evaluations, and manipulations from the political sphere. One of the main themes of comparative constitutional studies is that independence and accountability can coexist if accountability is intentional to not cross over and infringe upon decisional autonomy. In the case of the Indian judiciary, accountability poses even more of a threat due to the possibility of transparency measures being weaponized to intimidate judges, disclose private and sensitive communications and even re-litigate case closed issues via administrative means. Hence, the value of independence is not a hollow defence of institutional closure, since it is not a case of merely institutional versus accountability measures.²⁰

However, independence of the judiciary as a principle cannot be construed as a justification to avoid the Right to Information Act. In a more nuanced view, independence of the judiciary is most warranted when disclosure of information threatens to breach the neutrality of judges and/or intrudes upon the independence of judges, either separately or cumulatively. In the opposite case, the information and data that is judicial administration concerning judges' listings, publications, asset declarations, the handling of aggregated complaints and use of exclusionary practices, the administration of justice directly involves the exercise of mental freedom of the judiciary. Hence, the law is most coherent when it safeguards the

¹⁷ (2018) 10 SCC 639.

¹⁸ Joseph Jaconelli, *Open Justice: A Critique of the Public Trial* 73 (Oxford University Press, Oxford, 1st edn., 2002).

¹⁹ H. M. Seervai, *Constitutional Law of India* 165 (Universal Law Publishing, Delhi, 4th edn., 1996).

²⁰ Shimon Shetreet, Sophie Turenne, *Judges on Trial: The Independence and Accountability of the English Judiciary* 146 (Cambridge University Press, Cambridge, 2nd edn., 2013).

core of judicial autonomy while also correctly balancing all elements of the system of judicial administration.²¹

1.4.2 Privacy and the Protection of Personal Information

Privacy has become the major doctrinal counterbalance to disclosure in many information conflicts. In *Girish Ramchandra Deshpande v. Central Information Commissioner*²², the Supreme Court took a restrictive view on information regarding personal service in the absence of a demonstrable greater public interest. In the next case, *Justice K. S. Puttaswamy (Retd.) v. Union of India*²³, privacy was declared a fundamental right, thereby reinforcing the framework to resist the disclosure of personal information in case of genuine need. These judgments become relevant when requests for information relate to the judges' financial details, family relations, health information, and personal information, among other things.

That said, privacy analysis becomes erroneous when all information pertaining to judges is considered to be personal. The purpose of privacy and transparency discourse is to disentangle information that reflects on one's private life from information that sheds light on one's public role. In the case of a public official's asset disclosure, sensitive information might be redacted, but disclosure would still be necessary for the accountability framework. Privacy is, by no means, an absolute right. Privacy is a call for a balance between differing rights, a situational assessment, and a focus on discernability.²⁴

1.4.3 Legitimate Confidentiality and Institutional Secrecy

An operational judiciary might have to keep some material confidential. Collegium deliberations, intelligence inputs, third party complaints, and correspondence of a security nature pertain to interests that are not trivial or otherwise. Doctrinal literature on the Right to Information Act offers insights in which the exemptions of fiduciary capacity, personal data, and third party processes must be interpreted, and in such a case, the interpretative element has to be 'strict' and 'substantive'. Particularly in the case of the judiciary, such caution is warranted as indiscretion may result in the loss of the capacity for clear judgment and the unsubstantiated premature diagnosis of uncorroborated complaints which may be potentially harmful to the security of the situation.²⁵

The problem occurs when legitimate confidentiality becomes the norm and borders on cult-like administrative secrecy. In the absence of clear definitions and criteria, employing the terms 'High Risk' (or) 'Confidential' more often than not leads to an absence of transparency in administrative decisions. The judiciary's claim to particular Constitutional prerogatives cannot be employed as a defence for such situations. A more defensible position is that adjudicative deliberations be given robust privilege, personal data be given due consideration and the Institutional Governance be presumed to require more transparency unless evident harm be shown.²⁶

1.5 INSTITUTIONAL PRACTICE AND EMPIRICAL TRENDS

Argumentative analysis grows more compelling when examined with reference to its pertinent institutional practice. Newer publications of the Supreme Court of India allow an evaluation of the

²¹ V. N. Shukla, *Constitution of India* 149 (Eastern Book Company, Lucknow, 13th edn., 2017).

²² (2013) 1 SCC 212.

²³ (2017) 10 SCC 1.

²⁴ Gilead Cooper, "Open (in)Justice: Privacy, Open Justice and Human Rights", 25 *Trusts & Trustees* 712 (2019).

²⁵ Shikher Deep Aggarwal, Kush Kalra, *Right to Information Law: Transparency and Accountability* 182 (Satyam Law International, New Delhi, 1st edn., 2022).

²⁶ *Supra* note 25, *Right to Information Law: Transparency and Accountability* 214 (Satyam Law International, New Delhi, 1st edn., 2022).

administration of transparency versus nondisclosure. The material at hand reflects notable progress toward transparency, paired with enduring systematic constraints.²⁷

1.5.1 Request Volume, Replies, and Rejections

Neither the conventional nor the informal understanding of the demand for information regarding the courts is of a marginal or intermittent nature, as evidenced in the Supreme Court's quarterly returns for the 2024-2025 period. Requests, shown in Figure 1, demonstrated an increase during each of the quarters, with a peak occurring in the January to March 2025 quarter. The number of requests answered also increased considerably during the same period. Requests for information were notably answered in the court's favor during the equally notable October to December 2024 quarter.²⁸

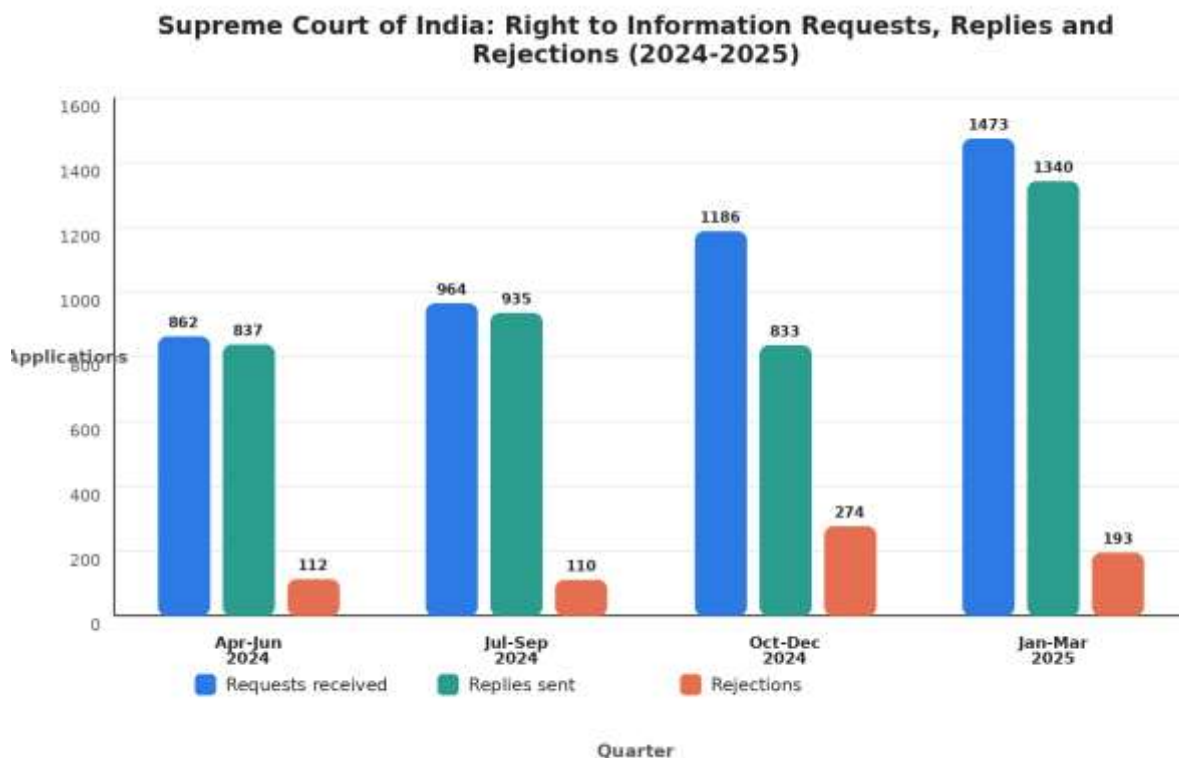


Figure 1. Right to Information requests, replies, and rejections in the Supreme Court of India, 2024–2025.

The year establishes a growing curve in the documented public interest in premature demand for information regarding the judiciary. Data evidencing a corresponding increase in requests (862 in April to June 2024 to 1,473 in January to March 2025) and responses (837 to 1,340) exists. This increase is the result of formal information engagement, not lawyer requested information.²⁹

The pattern has doctrinal value in addition to its administrative significance. The increase in requests means judiciary transparency is a continuing governance issue, not a secondary issue of grievance. Ultimately, it proves the importance of proactive disclosure. Narrative information is not published in an

²⁷ Supreme Court of India, "Indian Judiciary: Annual Report 2024-25" 62 (2026).

²⁸ Quarterly Return Form, Quarter 1, Quarter 2, Quarter 3 and Quarter 4, 2024-2025, available at: <https://www.sci.gov.in/rTI/> (last visited on May 9, 2026).

²⁹ *Supra* note 28.

accessible form; it is burdensome to navigate for the requestor, the public information officer, and the appellate tribunal. This has the potential of turning the Right to Information framework/duty into a replacement for regular public communication. This is not systematic, and in the community's interest, is not ideal.³⁰

1.5.2 Grounds of Refusal and the Culture of Withholding

Equally informative is the distribution of the grounds for refusal. The biggest refusal grounds for the 2024-2025 returns showcase the residual 'Other' grounds category; followed by Section 8(1)(j), Personal Information; and Section 8(1)(g), interests related to the protection of safety. The distribution indicates that the reasoning for relatively greater reliance on refusal to disclose is based on privacy, but it also reveals a reliance on broad, non-specific refusal grounds that are difficult to evaluate externally, and therefore, difficult to contest.³¹

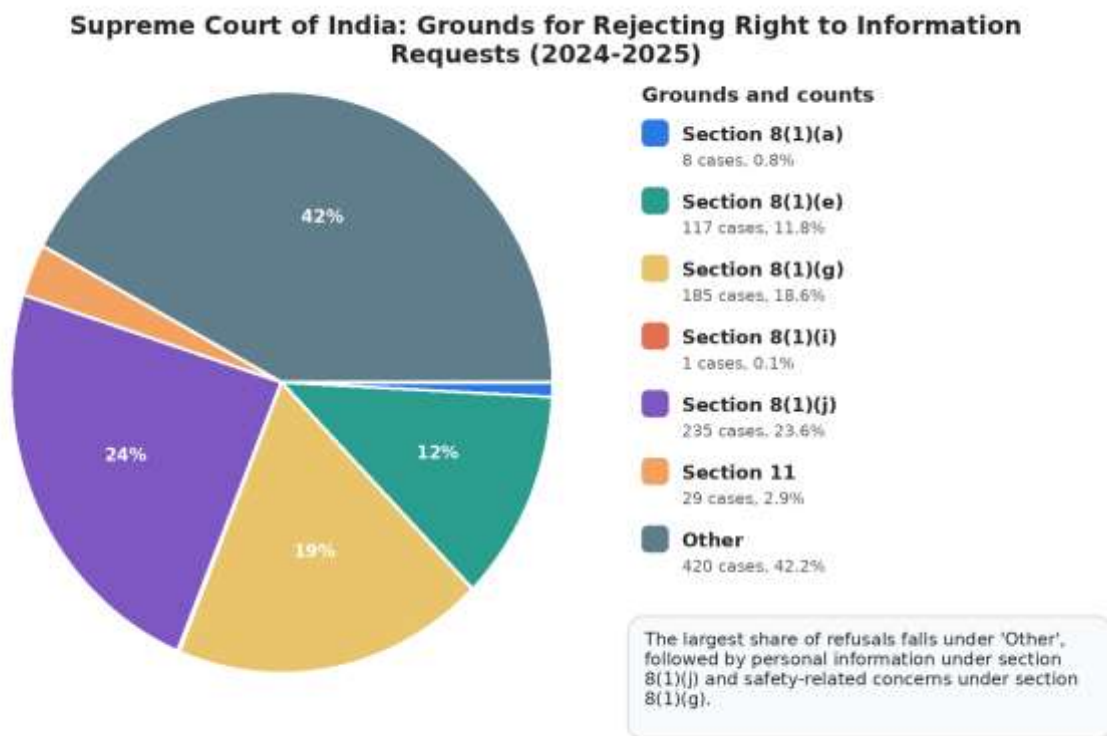


Figure 2. Distribution of refusal grounds in Supreme Court of India Right to Information matters, 2024–2025.

An annual pattern exists in which refusal is predicted to be 'privacy or uncategorised-based' most frequently. The most significant refusals overall fall under Section 8(1)(j) and (g) and Section 8(1)(j) in particular. However, the largest single category of refusals is 'Other'. This makes external institutional assessments of justification more challenging and reveals the need for more refined reporting standards.³² This 'Other' category of refusals is of great importance for transparency laws because their reporting structures, of necessity, have to reveal more than they conceal. In the field of administrative transparency, the literature critiques that the most meaningful digital transparency is, in fact, refusal-based data. If the

³⁰ *Supra* note 9 at 269.

³¹ *Supra* note 28.

³² *Supra* note 28.

public is only informed that certain records were refused under a residual category, accountability is, in fact, meaningless, and the oversight is inaccessible. In the case of judicial bodies, where the linchpin of legitimacy is rationality and reason of a decision, the refusal opacity in reporting is, in fact, the most defensible of all.³³

1.5.3 Proactive Publication beyond the Request-Based Model

The construction of formal institutional frameworks is not just negative. The Supreme Court made significant advances in public transparency with live streaming of case hearings, digital services, posting annual reports, compliance with Section 4, searchability of online materials, and an improved website. These advances reduce reliance on hostile requests for information and indicate that transparency can be and should be part of the Court's organisational arrangements. Contrary to the view that courts should only be responsive to information requests at the end of court-related activities, these advances signal that transparency can be built into the design of institutional arrangements.³⁴

Organisational transparency in the Supreme Court of India 2025 is marked by the Supreme Court's decision to introduce public Judges' declaration of their assets³⁵ and public documentation of the process and proposals for appointments to the High Courts and Supreme Court³⁶. The Court's website now displays the assets of sitting judges and adds pages to describe the appointment process linked to approved proposals by the collegium. These measures do not deal with all the issues of transparency, but mark a move away from transparency by design to the publication of information previously considered institutionally sensitive.

1.6 A CALIBRATED MODEL OF JUDICIAL TRANSPARENCY

It is inaccurate to say creating a principled model to balance secrecy and transparency is the primary challenge. Rather, the challenge is creating a model that preserves the constitutional principles of judiciousness and maintains the accountability of the administration of justice. Such a challenge as this as to be administered and institutionally realistic. It must also be within the limits of administrative feasibility.³⁷

1.6.1 Elements of a Principled Disclosure Framework

Transparency and digital communication in the courtroom are differentiated by function, target, and danger. For India, this is particularly relevant, as judicial data is in a variety of forms. This data is of a variety of forms even within the same administrative system. This is particularly relevant in the forms of asset declarations, appointment criteria, complaint aggregate systems, roster systems, listing practices, annual statistics, adjudicative deliberations, etc. There is not an overarching system of balance within these forms. It is equally ineffective to treat all judicial data and all systems of justice as completely opposed to transparency. It is the correctly differentiated functional balance that achieves design.³⁸

The model with the greatest defensibility has four dimensions. The first is that institutional governance information is disclosable, by default. The second is that personal information is subject to severability

³³ Hanspreet Kaur, "Transparency in Governance: A Comparative Study of Right-to-Information Legislation in India, Indonesia and Nigeria", 7 *Asian Journal of Comparative Politics* 1282 (2022).

³⁴ *Supra* note 27 at 295.

³⁵ Assets of Judges, available at: <https://www.sci.gov.in/assets-of-judges/> (last visited on May 7, 2026).

³⁶ Collegium Resolutions, available at: <https://www.sci.gov.in/collegium-resolutions/> (last visited on May 5, 2026).

³⁷ *Supra* note 20.

³⁸ Judith Townend, Lucy Welsh, *Observing Justice: Digital Transparency, Openness and Accountability in Criminal Courts* 88 (Policy Press, Bristol, 1st edn., 2023).

and that information is to be balanced contextually, rather than withheld, by default. The third, is that strong protection is afforded to delayed and security-sensitive information, and that protection is to be strengthened, through a reasoned approach to statutory exemptions. The last dimension, is that transparency is to be implemented through the automatic, consistent, and routine publication systems. The research on the governance and accountability in the evolving democracies has indicated that the strengthening of the legitimacy of the governance systems is, in fact, the most constructive and effective response to the publication of the information and the governance systems.³⁹

1.6.2 Specific Reforms for the Indian Context

The model requires institutional reforms that are felt to be the most constructive and effective. The Supreme and High Courts need to institute the most constructive and effective reforms with respect to Judges assets declarations through routine publication, in common categories/similar formats, with common standards for redaction, annual adjustments and published frameworks for post publication access. The most constructive reforms are felt to be the publication of similar standards for the appointments, norms, frameworks, and standards for those published content, timelines for publication, the establishment of norms and frameworks for publication, and the published norms for the diversity of the frameworks. This will be for the published drawings of the evaluations, and without the publication of the evaluations. The emphasized reforms must be of the systems for governance, of administrative norms, for the most constructive and effective responses, and of routine governance.⁴⁰

Refusal reporting must become more detailed. Residual categories such as "Other" must be restricted by internal guidance so that annual and quarterly reporting accurately reflects the legal justification for the non-disclosure. Transparency surrounding complaints must be improved by anonymized public reports that list the number and type of complaints along with their current status in the system, even if this means protecting the identities of complainants and judges. These changes would improve transparency and the accountability of justice systems by bringing more transparency to judicial systems, while maintaining the independence of judges and protecting the core of their adjudicatory decisions.⁴¹

1.7 CONCLUSION

Indian judicial transparency laws have a more sophisticated basis than even some of their most knowledgeable critics or defenders perceive. The most influential cases and recent legislations thoroughly define the judicial system, prohibiting absolute confidentiality. Yet, such legislations also prohibit absolute transparency and the publishing of all files created by the judicial system. In this context, the legitimacy of these changes relies on the ability to construct these principles.⁴²

The most significant doctrinal lesson is that judicial independence is a limiting value, as opposed to a tactic of exclusion. Judicial independence safeguards the freedom to deliberate and decide, as well as the protection of certain functions of an organisation, but it does not eliminate the judicial administration's public nature. Similarly, privacy is genuine and of Constitutional value. However, it demands a balancing of contexts and proportional redaction, as opposed to a priori, unqualified nondisclosure. The Right to

³⁹ Ramanie Samaratunge, Quamrul Alam, "Accountability and Transparency in Emerging Countries: Governance, Democratic Currents and Change", 41 *Public Administration and Development* 147 (2021).

⁴⁰ *Supra* note 3 at 147.

⁴¹ *Supra* note 33 at 161.

⁴² *Supra* note 4 at 76.

Information Act, 2005 would most likely address these issues, as long as its exceptions are used sparingly and the public interest threshold is genuinely taken into consideration.⁴³

The lesson that brings the most value to an organisation survives here, as well. The public accessibility of the judiciary is becoming increasingly dependent on the publication of materials, the improvement of the digital network, and the drafting of easily understandable reports. The development of tools that are accessible and searchable on the internet, as well as the process of declaring assets, disclosing the method of making appointments, streaming judicial sessions, and the drafting of annual reports, show that accessibility can ensure the integrity of the judicial process. What the future of judicial transparency in India should be is not the adversarial judicial transparency in the extreme, nor the reflexive judicial transparency in the extreme. What it should be is rational institutional transparency along clearly defined borders, the accountability of the judiciary, and the public judicial legitimacy of the administration.⁴⁴

1.8 SUGGESTIONS

The matters highlighted above necessitate specific reforms that are manageable from an administrative standpoint and cognizant of the judiciary's constitutional function in a democracy which upholds the independence of the judiciary as well as accountability to the public. The recommendations below are made with that consideration in mind.

1. **Uniform Asset Disclosure Standards:** The Supreme Court of India and High Courts should create and utilize a uniform format for the declaration of judges' assets. A standard format would reduce ambiguity, allow for a clear and consistent annual comparison as well as consistent year-on-year redaction across institutions.
2. **Structured Appointment Transparency:** At each stage of appointments, disclosure of some status/criteria/information and general aggregate diversity data will enhance public understanding of the collegium process, and will not jeopardize the confidentiality of evaluative inputs nor compromise candid consultation.
3. **Clearer Refusal Classification:** In order to replace the wide residual reporting in Judicial public Authorities, the use of narrower refusal categories linked to specific statutory grounds should be adopted. Such classification will enable constructive public oversight on the practical application of the exemptions and will allow the annual transparency review.
4. **Reasoned Redaction Protocols:** Redaction is a variance from denial and disclosure. Internal policies need to be devised to explain which types of severance of personally identifiable information, information for security-purpose, or information concerning third- parties are to be applied to maximum disclosable information of an official record.
5. **Publication by Default under Section 4:** For the purposes of the Right to Information Act of 2005, courts are to identify and regularly publish information of a high-demand and routine nature in Section 4. This is likely to lower the number of requests made, lessen the administrative load, and promote the proactive transparency of the institution as a part of their day to day processes rather than just a response to an appeal against the institution.
6. **Anonymised Complaint Reporting:** Annual reports could capture reassurances on the complaints received made against judges, anonymous, and the general outcome of the complaints. This kind of reporting of complaints would provide an accountability mechanism to the complaint management

⁴³ *Supra* note 21 at 193.

⁴⁴ *Supra* note 38 at 54.

system and would not publicize or undermine the independence of judges or public allegations which are not verified.

7. Machine-Readable Transparency Data: Right to Information disclosures should, at a minimum, be made available quarterly and annually in machine entered readable formats in addition to pdf formats. this will eliminate technical hurdles, and allow the public, especially civil society to easily access, analyse, and visualize the disclosures and their implications.
8. High Court Transparency Dashboard: The High Courts' integrated dashboard should aggregate information on disclosures, requests, appeals, asset statements, appointment papers, and digital access tools. A similar dashboard across courts will simplify public transparency and facilitate institutional benchmarking.
9. Guidelines on Deliberative Confidentiality: The upper judiciary should publish a guidance note in the public domain explaining the protected deliberative materials and the rationale behind them. This will provide clear guidance to public information officers, and will remedy arbitrary evaluations, and will help differentiate between the legitimate and adjudicative confidentiality and arbitrary administrative secrecy.
10. Periodic Independent Transparency Audit: Judicial institutions should implement an externally conducted audit of Section 4 compliance, refusal practices, and design of disclosures at periodic intervals. Focusing on systems and not outcomes an audit process would add credibility and honor the courts' constitutional autonomy.

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