

Ensuring Judicial Accountability in India: Challenges and Reforms

Abstract

This seminar paper discusses the concept of judicial accountability in India and its importance in maintaining transparency, fairness, and public confidence in the judiciary. It examines the existing mechanisms for judicial accountability, including legal provisions, judicial ethics, and institutional oversight. The paper also highlights the balance between judicial independence and accountability, along with challenges such as lack of transparency and limited public scrutiny. Furthermore, it suggests reforms and comparative perspectives to strengthen accountability and uphold the rule of law in India. The study further emphasizes the need for an effective and transparent judicial system to ensure justice and democratic governance. It analyzes the role of various institutions, including Parliament and the judiciary, in addressing judicial misconduct and promoting ethical standards among judges. By evaluating current practices and reform measures, the paper aims to provide a better understanding of how judicial accountability contributes to strengthening the credibility and efficiency of the Indian legal system.

Keywords: *Judicial accountability, Indian judiciary, judicial independence, transparency, judicial reforms, rule of law, public trust.*

Introduction

The judicial system stands as a pillar of democracy, entrusted with the monumental responsibility of upholding the rule of law and delivering justice to the citizens of a nation. In India, the judiciary plays a pivotal role in safeguarding the rights and liberties of its diverse population, making it indispensable to the nation's democratic fabric. However, for the judiciary to fulfill this role effectively, it must be underpinned by a robust and accountable framework. The concept of judicial accountability is intrinsic to the proper functioning of any legal system. It hinges on principles of transparency, integrity, and the public's trust in the judiciary. An accountable judiciary is not only a shield against corruption and misconduct but also a means to ensure that justice is dispensed impartially and fairly.¹

¹ An In-Depth Analysis of the Challenges Faced by the Judiciary in India, available at: <https://lawctopus.com/clatalogue/clat-pg/analysis-of-the-challenges-faced-by-the-judiciary-in-india/>, (last visited on Jan 14, 2026)

This comprehensive analysis delves into the heart of the Indian judicial accountability framework, aiming to shed light on its various dimensions, challenges, and possibilities for reform.² The examination of this framework is not merely an academic exercise; it is an exploration of how India's legal system, one of the largest in the world, can continue to evolve to meet the ever-growing demands of a dynamic and diverse society.³

At its core, this analysis seeks to understand the effectiveness of the current judicial accountability mechanisms in India. It questions whether the existing framework is adequately equipped to address the complex issues related to judicial misconduct, corruption, and inefficiency. Moreover, it embarks on a comparative journey, looking to international models for inspiration and best practices that could be integrated into the Indian context. The legal framework, which forms the bedrock of judicial accountability, is dissected with a critical eye. The study brings to light both the strengths and weaknesses of this framework, with the aim of identifying areas that require reform and enhancement.⁴

The employs a diverse range of methodologies, case studies offer real-world examples of the application of accountability mechanisms and their impact on the Indian judicial system. Public opinion surveys and interviews with legal professionals provide a comprehensive understanding of the perspectives held by various stakeholders. Furthermore, the analysis explores reform proposals and recommendations advocated by legal experts, scholars, and organizations.

As the analysis progresses, it aims to unveil the degree of transparency in the functioning of the judiciary, the public's perception of the justice system, and the trust vested in it. These elements, often intangible but of immense significance, play a substantial role in shaping the dynamics between the judiciary and the public it serves.⁵

In this examination of the judicial accountability framework in India is more than an academic exercise; it is a call for reflection and action. It serves as a valuable resource for legal

²*Ibid*

³ Examination and Cross-Examination of Witnesses under the Indian Evidence Act, *available at*: <https://blog.ipleaders.in/examination-and-cross-examination-of-witnesses-under-the-indian-evidence-act/>, (last visited on Jan 14, 2026)

⁴Indian legal system : an overview, *available at*: <https://blog.ipleaders.in/indian-legal-system-an-overview/>, (last visited on Jan 14, 2026)

⁵ Case Study Methodology of Qualitative Research: Key Attributes and Navigating the Conundrums in Its Application, *available at*: <https://journals.sagepub.com/doi/full/10.1177/0038022920970318>, (last visited on Jan 14, 2026)

scholars, policymakers, and those who seek to ensure that the Indian judiciary remains a beacon of justice, accountability, and transparency. As we embark on this comprehensive analysis, we hope to contribute to the ongoing discourse on judicial accountability in India, striving to fortify the judiciary and foster a stronger, more accountable, and transparent legal system for the benefit of all its citizens.⁶

Objectives

- To examine the existing judicial accountability mechanisms in India, focusing on laws and frameworks like the Judges (Inquiry) Act, 1968, and evaluating their efficacy in maintaining judicial integrity.
- To analyze the balance between judicial independence and accountability, assessing how both principles interact and impact the judiciary's effectiveness and public trust in India's legal system.
- To evaluate the roles of oversight bodies, such as Parliament and the Bar Council of India, in enforcing ethical standards and maintaining judicial accountability within the current legal framework.
- To investigate issues surrounding transparency and public scrutiny in the judiciary, examining how limited transparency affects public confidence and accountability within the judicial process.
- To propose practical reforms for enhancing judicial accountability, drawing on comparative analysis to recommend improvements that strengthen accountability while preserving judicial independence in India.

Research Problem

The research problem centers on understanding the effectiveness and limitations of the judicial accountability framework in India. Judicial accountability is crucial for ensuring that the judiciary operates with transparency, integrity, and public trust, yet India's current mechanisms face challenges in implementation and effectiveness. While the judiciary is expected to remain

⁶ Need for stronger judicial accountability, *available at*: <https://blog.ipleaders.in/need-stronger-judicial-accountability/>, (last visited on Jan 14, 2026)

independent, accountability structures such as the Judges (Inquiry) Act, 1968, and the Code of Conduct for Judges often struggle to enforce adequate checks without risking judicial independence. The complexity of achieving accountability while protecting judicial autonomy raises questions about the sufficiency of existing oversight by bodies like Parliament and the Bar Council. This research seeks to identify gaps in the current framework, examine international practices, and propose feasible reforms to strengthen India's judicial accountability while maintaining judicial independence.

Review of Literature

- **Pandey, Gyanendra, *Remembering partition: Violence, nationalism and history in India. In Contemporary South Asia* (Cambridge University Press, Cambridge, 2002)**

In *Remembering Partition: Violence, Nationalism, and History in India* (2002), Gyanendra Pandey examines the historical and cultural impacts of the Partition of India in 1947, a pivotal event that led to significant violence and the reshaping of national identities. Published in *Contemporary South Asia* by Cambridge University Press, Pandey explores how the memory of Partition has been constructed and remembered in India, Pakistan, and Bangladesh. He critically analyzes the role of violence, nationalism, and historical narratives in shaping the collective memory of Partition. Pandey argues that the event's trauma has been marginalized or reframed in official histories, often downplaying the complexities of the violence and its long-term social consequences. Through his work, Pandey provides a nuanced understanding of the legacy of Partition and its continuing influence on the politics of memory, identity, and national history in South Asia.

- **Varshney, Ashutosh, *Battles Half Won: India's Improbable Democracy* (Penguin Books, Haryana, 2014)**

In *Battles Half Won: India's Improbable Democracy* (2014), Ashutosh Varshney delves into the complexities and contradictions of India's democratic system, offering a thorough analysis of its political landscape. Published by Penguin Books, Varshney explores how India, despite its socio-economic challenges, has managed to sustain democracy since independence. He examines key factors that have contributed to the resilience of Indian democracy, including its pluralistic society, the role of political parties, the functioning of institutions, and the influence of social movements. Varshney also addresses the challenges India faces, such as

inequality, religious tensions, and regional disparities, and the continuous struggle between democracy's ideals and the practical realities of governance. His work is an insightful reflection on India's political evolution and the ongoing battles for a more inclusive and just society.

- **Moti Tikaram, “Public Accountability – Who Judges the Judges?” 19 *COMMW L.BULL* 1231 (1993)**

In *Public Accountability – Who Judges the Judges?* (1993), Sir Moti Tikaram examines the critical issue of judicial accountability within democratic governance. Published in the *Commonwealth Law Bulletin*, Tikaram discusses the mechanisms for ensuring that judges remain accountable to the public while maintaining their independence. He addresses the tension between judicial impartiality and the need for oversight, exploring various models of accountability and the challenges of holding judges to account without compromising the judiciary's autonomy. Tikaram argues for a system of checks and balances where external scrutiny, including public and institutional review, is balanced by the judiciary's constitutional independence. His work remains a significant contribution to the discourse on maintaining the integrity of the judiciary while ensuring that it is answerable to the public it serves.

- **Shayonee Dasgupta & Sakshi Agarwal, “Judicial Accountability And Independence : Exploring The Limits Of Judicial Power” 2 *NUJS L. REV* 779 (2009)**

In *Judicial Accountability and Independence: Exploring the Limits of Judicial Power* (2009), Shayonee Dasgupta and Sakshi Agarwal critically examine the delicate balance between judicial accountability and judicial independence in India. Published in the *NUJS Law Review*, the article explores the inherent tension between these two principles, which are fundamental to a functioning democracy. The authors analyze the legal and constitutional framework surrounding judicial accountability in India, focusing on mechanisms like judicial review and the impeachment process, while also considering the importance of safeguarding judicial independence to prevent undue interference from the executive or legislature. They argue that while accountability is crucial for ensuring justice and maintaining public trust, it must not undermine the autonomy of the judiciary. The article delves into the complexities of achieving this balance and offers insights into how the system could evolve to strengthen both judicial integrity and public confidence in the judicial system.

- **B.L.N. Swamy, “Judicial Accountability” 74 *Cuttack Law Times* 17 (1992)**

In *Judicial Accountability* (1992), Sri B.L.N. Swamy discusses the concept of accountability within the judiciary, exploring its significance in maintaining public trust and the rule of law. Published in the *Cuttack Law Times*, Swamy examines various aspects of judicial accountability, including the need for mechanisms to ensure that judges uphold ethical standards while maintaining their independence. He considers how judicial accountability interacts with the principles of judicial independence, emphasizing that while judges must be held accountable for misconduct or corruption, their ability to make impartial decisions should not be compromised. Swamy's work delves into the challenges of balancing these two principles and suggests that accountability should be implemented through transparent processes that do not undermine the judiciary's autonomy, thereby safeguarding the integrity of the legal system.

Research Methodology

The seminar paper titled “Exploring the Judicial Accountability Framework in India: A Comprehensive Analysis” utilizes a Doctrinal Legal Research methodology, which involves a thorough examination of legal propositions. This methodology focuses on analyzing statutory provisions and case law through logical reasoning to identify fundamental legal principles. Central to this approach are primary sources, including Acts of Parliament and precedents set by higher courts. Additionally, the research incorporates content analysis and data collection from secondary sources, such as books, magazines, newspapers, research reports, and various organizational publications. Insights from research scholars, universities, and government publications at both the central and state levels, along with materials from foreign governments, international bodies, and online resources, are also integrated. This comprehensive method underpins the research’s comparative analysis of judicial review within the legal framework.

Meaning and Concept of Judicial Accountability

Judicial accountability is a fundamental principle within the legal and political systems of democratic societies. It represents the concept that judges, who are entrusted with the solemn responsibility of interpreting and applying the law, must be answerable for their actions and

decisions.⁷ This accountability ensures that the judiciary functions in a manner that is transparent, fair, and just, and that it upholds the rule of law.⁸

At its core, judicial accountability includes various crucial elements. First and foremost is the principle of transparency, which requires that judicial proceedings, decisions, and records are open to public scrutiny. Transparency helps maintain public trust in the legal system and ensures that justice is administered without hidden agendas. Additionally, judicial accountability demands impartiality; judges are expected to make decisions without bias, prejudice, or external influence, upholding the principle that justice is blind.⁹

Furthermore, reasoned decisions are an essential aspect of judicial accountability. Judges are generally required to provide well-reasoned explanations and justifications for their judgments, enabling parties involved to understand the basis for their decisions and allowing for scrutiny and review. Judicial accountability also encompasses mechanisms for addressing misconduct, ensuring that judges can be held accountable for unethical behavior through disciplinary actions and investigations.¹⁰

Moreover, it includes opportunities for appeal and review, which are integral to a fair and accountable judicial system. This allows parties to seek redress and correction for errors and ensure that the law is properly applied. Judicial independence, which is essential for the rule of law, must also be preserved, enabling judges to make decisions without external pressure, especially from political or other branches of government. Ultimately, judicial accountability is pivotal in maintaining public trust in the fairness and impartiality of the legal system, preventing abuse of power, and upholding justice and the rule of law in society.¹¹

Judicial Accountability: A Theoretical Understanding

It is noteworthy that the call for judicial accountability has only recently become a subject of global discourse, transcending geographical boundaries. This transformation into a global phenomenon has been spurred by an evolving perception, as articulated by Justice Sir Moti Tikaram of Fiji, that the judiciary can no longer be regarded as an entirely sacrosanct and

⁷ Judicial Accountability in India, *available at*: https://www.legalservicesindia.com/article/538/Judicial-Accountability-in-India.html#google_vignette, (last visited on Jan 14, 2026)

⁸*Ibid*

⁹*Supra*, note 6

¹⁰*Ibid*

¹¹ Scope of judicial review in the election commission, *available at*: <https://blog.ipleaders.in/scope-of-judicial-review-in-the-election-commission/>, (last visited on Jan 14, 2026)

inviolable institution.¹² The debate surrounding the necessity of judicial accountability has gained considerable traction in recent years, particularly with the vigilant oversight of civil society and the media, which have assumed the roles of watchful guardians.

A recurring question in these deliberations has been the imperative of judicial accountability. In their assessment of the Judges Enquiry Bill 2006, the Committee on Judicial Accountability highlighted the pressing need for an accountability mechanism. This need arises from a concerning trend in which the judiciary, at times, has exhibited excessive assertiveness, seemingly positioning itself beyond the reach of any scrutiny into its actions. Such a practice, deemed reprehensible and autocratic, underscores the necessity for the effective operation of an accountability mechanism, as it is paramount to recognize that the judiciary should be subservient to the law, not exempt from it. The call for accountability is all the more crucial because judges are typically appointed in most countries, with the general public having limited control over their actions. Furthermore, there is a dearth of provisions for disciplining judges, a deficiency that, as termed by Rowat, is intertwined with the "arrogance of office," which can result in the arbitrary exercise of discretionary powers.¹³

Judicial Accountability in India

A Judge like every other public servant and Political Administrator is expected to exhibit good moral character and maintain purity of judicial administration. All the eyes of the citizen are, therefore, focused on the judges' who is judged not only through his performance but also through his actions. His conduct in and out of the Court Hall is liable for accounting and explaining to the citizen at large. In fine, the principle that Justice should not only be done but also should appear to have been done prevailed all through the ages explains fairness as a part of accountability.¹⁴

Hindrances to speedier and informal access to justice can be considered as 'un-Indian'. The king in the ancient India ensured complainer with every applicable law and restored the status quo ante the violation. The administrative process was informal and quick and it was regarded as part of the duty of the king to strictly and impartially enforce law. It was his duty to

¹²Sir Moti Tikaram, "Public Accountability – Who Judges the Judges?" 19 *COMMWL.BULL* 1231 (1993)

¹³Sukriti Yagyasen, Judicial Accountability in India, *available at*: Accountability of the Judiciary in India.pdf, (last visited on Jan 14, 2026)

¹⁴B.L.N. Swamy, "Judicial Accountability" 74 *Cuttack Law Times* 17 (1992)

protect the people at any cost. The king was punishable a thousand times more than the common man for any violation of law. Rank imposed heavier obligations to inflict heavier punishments for failure of duty. Even the Chief Justice would be punished as severely as the king for violation of law.¹⁵ Clearly, it was the duty of the State to ensure compliance with every law. The subject had to inform the king of the injury or wrong and thereafter it was the duty of the king to render speedy justice strictly in accordance with law. It is a matter of history how these native ingenuities and devices for speedy delivery of justice were lost in the quagmire of power and the state became less and less concerned about approximating the 'is' to the 'ought'.¹⁶

Judicial accountability, therefore, is the process by which the judiciary is responsible to the people on whose behalf it exercises the judicial power under the Constitution and the law of the country. In understanding the concept of judicial accountability, distinction should be made between the conduct of the judge in the discharge of his judicial function and the actual judicial decision or determination. Accountability relates to the former and not the latter except where the decision is the product of judicial misconduct.¹⁷ This is because there are or ought to be mechanisms for the supervision of his judicial decisions or determinations

The Indian Approach

The Institution of judiciary in a democratic setup is perhaps one of the most important organs as it is entrusted with the great responsibility of administering justice, one of the core needs of the citizenry. The Preamble to the Constitution enshrines the ideals of securing social, economic and political justice to all its citizens. Justice, failed to be meted out in a fair manner, jeopardizes the interests of the civil society, vitiating the principle of rule of law. An independent judiciary can be stated to be the cornerstone of a democracy. *In Union of India v. Sankalchand Himmatlal Seth*,¹⁸ Untwalia J. called the judiciary as a “watching tower above all the big structures of the other limbs of the state from which it keeps a watch like a sentinel on the functions of the other limbs...”.

It is needless to say that the judiciary and the judicial decisions, over the years, have shaped the Indian polity to a great extent. The role played by the judiciary has been pivotal in

¹⁵T. Devidas and Hem Lall Bhandari, “Judicial Accountability” 48(1) *JILI* 95 (2006)

¹⁶*Ibid*

¹⁷*Ibid*

¹⁸AIR 1977 SC 2328

ensuring a process of fairness in governance and administration. Thus, be it the pragmatic interpretation of Article 21 or propounding doctrines of equality, the judicial decisions in India have infiltrated through every strata of the society. While many of these decisions are laudable, in recent times, allegations, questioning the integrity of this great institution have multiplied. Lack of accountability and the alleged wide spread corruption have endangered the spirit of democracy, calling into question the integrity of the conscience keepers of the law.¹⁹

A procedure for removal of judges of High Court and Supreme Court by way of address of the Houses of Parliament to the President is contained in Constitution of India (process of impeachment under Article 124 (4) of the Constitution on grounds of proven misbehaviour or incapacity). However, the process is very cumbersome. It is said about impeachment proceedings that it is easier to amend the Constitution than to impeach a judge. It provides the procedure, where two third of the members of each House of Parliament may vote for the removal of judge. So far, only one Impeachment proceeding has been initiated against a Supreme Court judge. It failed because Congress abstained from voting and consequently two thirds majority was not available. In 1990 for the first time the impeachment proceedings were initiated against Justice Ramaswamy, Chief Justice of Punjab and Haryana High Court for misconduct and financial irregularities. These incidents clearly reflect that our Impeachment process is cumbersome, time consuming and tends to get politicized. There is now a general consensus that some recent incidents have exposed the inadequacy of existing provisions. In K. Veeraswami case, it was observed that remedy lies in suitable legislation for the purpose of preserving the Independence of Judiciary free from likely executive influence while providing proper and adequate machinery for Investigation into allegations of corruption against such Constitutional functionaries.²⁰

The Judges Inquiry Act, 1968 lays down the procedure for the investigation and proof of the misbehaviour or incapacity of a judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President and for matters connected therewith. On May 7, 1997, an in-house mechanism for judicial accountability was adopted wherein three resolutions were adopted by the S.C. which consisted of restatement of values of judicial life,

¹⁹Shayonee Dasgupta & Sakshi Agarwal, "Judicial Accountability And Independence : Exploring The Limits Of Judicial Power" 2 *NUJS L. REV* 779 (2009)

²⁰*Supra*, note 13

declaration of assets and an internal mechanism to enquire into allegations of misbehaviour of judges.²¹

The Bangalore Principles, 2002 were developed by the Judicial Group on Strengthening Judicial Integrity, by a group of senior judges from eight African and Asian common law countries. The Bangalore Principles set out six core values that should guide the exercise of judicial office, namely: independence, impartiality, integrity, equality, propriety, and competence and diligence. The weakness of the Bangalore Principles lies in their enforcement. There are two major problems in enforcement. First, the Bangalore Principles of Judicial Conduct are not contained in a binding document under international law. States are not bound to comply with their provisions in the same manner that they are with regard to international treaties. Second, the Bangalore Principles appear to offer guidance to members of the judiciary, rather than to set out directly enforceable standards of behaviour, and therefore may not have a direct impact on improving judicial conduct. The standards contained are not expressed in a manner that enables their direct application or incorporation into domestic law as enforceable rules of conduct. In terms of implementation they simply call upon national judiciaries to adopt effective measures to provide implementation mechanisms if they are currently not in existence.²²

The Bangalore principles, 2002 also affirmed the Restatement of values. These resolutions provided the framework for the needed legislation to cover the field. The internal mechanism lacks legal sanctity and is inherently weak. The only two punitive actions are withdrawal of work and transfer of judge.²³

In 2005, India got one of the most liberal and powerful RTI Acts in the world. It permits disclosure of internal notings and correspondence of public officials, has few exemptions from disclosure, creates an independent appellate body to decide disputes regarding refusal of information. It also provides for penalties against arbitrary and mala fide refusal to disclose information. It applies to all public authorities including the judiciary.²⁴

The Judges (Inquiry) Bill of 2005 proposes introduction of ‘complaint procedure’ in addition to the earlier ‘reference procedure’ contained in the 1986 Act. In a ‘complaint

²¹*Ibid*

²²*Ibid*

²³*Ibid*

²⁴*Ibid*

procedure' a complaint can be made by any person to Judicial Council against Judges of the Supreme Court (except the Chief Justice of India), Chief Justices and Judges of High Courts. In the 'reference procedure' if there is a motion by members of Parliament in either House, the Speaker/Chairman can make a reference to judicial council for enquiry not only against the above judges but also against the Chief Justice of India.²⁵

In view of the Law Commission, one of the serious omissions in the Bill of 2005 is the absence of a power in the Council to impose 'minor measures' under the 'complaint procedure', where the charges which have been proved do not warrant removal but amount to "deviant or bad behaviour" which warrant only 'minor measures'. (Of course, in the case of a reference by the Speaker/Chairman on a motion for removal, the judicial Council cannot impose or recommend any 'minor measures'). In such cases in UK, USA, Canada and Germany, the Judicial Council or similar bodies have been empowered to impose variety of 'minor measures'. 'Minor measures' were also advocated in the Report of 2001 by the National Commission for Review of the Constitution of India. Imposition of 'minor measures' is held Constitutional in other countries even though not provided in the Constitution: A question has arisen in the U.S. and Canada whether in the absence of a Constitutional provision permitting imposition of 'minor measures', imposition of such measures by a Judicial Council would be Constitutionally valid? The federal judiciaries in US and Canada in their judgments have upheld the imposition of such 'minor measures' by a judicial Council.²⁶

Though **The Judges (Inquiry) bill 2006** was drafted which proposes to establish a National Judicial Council to conduct inquiries into allegations of incapacity or misbehavior by High Court and Supreme Court judges; it could not see the light of the day. The proposed National Judicial Council would consist of Chief Justice of India, two Supreme Court judges and two High Court Chief Justices to investigate High Court judges or Chief Justice of India and four Supreme Court judges to investigate Supreme Court judges. The bill provides that National Judicial Council (NJC) shall investigate complaints submitted by any person or upon receiving a

²⁵*Ibid*

²⁶*Ibid*

reference from parliament. If allegations are proven, the NJC may impose minor measures or recommend the removal of the judge. Removal of a judge shall be through Impeachment.²⁷

With **the Judges (Declaration of Assets and Liabilities) Bill, 2009** being introduced as part of the ambitious reformist agenda of the government, there arose hope of some positive change in this direction. The Bill tried to further judicial accountability by making disclosure of the assets and liabilities of the judges mandatory. The bill creates an in-built system by which the disclosure will have to be made only to the respective Chief Justices, thereby ensuring Judicial Independence.²⁸

The Judicial Standards and Accountability Bill, 2010 providing for a mechanism to deal with complaints against judges of High Courts and the Supreme Court was tabled in the Lok Sabha on December 1, 2010 by Law Minister Veerappa Moily. At present, there is no legal mechanism for dealing with complaints against judges, who are currently governed by 'Restatement of Values of Judicial Life,' adopted by the judiciary as a code of conduct without any statutory sanction. The enactment of the bill will address the growing concerns regarding the need to ensure greater accountability of the higher judiciary by bringing in more transparency and would further strengthen the credibility of the Judiciary. The Bill sets judicial standards and makes judges accountable for their lapses and mandates judges of the High Courts and the Supreme Court to declare their assets and liabilities, including those of their spouses and dependents and to file an annual return in this regard. The Bill mandates that judges should not have close association with individual members of the Bar and not allow any member of their immediate family to appear before them in courts. Judges should not contest any election to any office of club, society or other association, except those associated with the law or any court. Further, they should not have any bias in judicial work or judgments on the basis of religion, race, caste, sex or place of birth.²⁹

This most recent Bill that is put forth for consideration seeks to replace the Judges (Inquiry) Act, 1968. It seeks to: (a) create enforceable standards for the conduct of judges of

²⁷The Judges (Inquiry) Bill, 2006, *available at*: <http://www.commonlii.org/in/other/INPRSLS/tjb2006lb372/>, (last visited on Jan 15, 2026)

²⁸*Supra*, note 13

²⁹The Judicial Standards and Accountability Bill, 2010, *available at*: <https://prsindia.org/billtrack/the-judicial-standards-and-accountability-bill-2010>, (last visited on Jan 15, 2026)

High Courts and the Supreme Court, (b) change the existing mechanism for investigation into allegations of misbehaviour or incapacity of judges of High Courts and the Supreme Court, (c) change the process of removal of judges, (d) enable minor disciplinary measures to be taken against judges, and (e) require the declaration of assets of judges.³⁰ Judges in the form of holding someone in contempt.³⁰

Findings

- Judicial accountability is a core principle in democratic societies, ensuring judges are held responsible for their actions and decisions while interpreting and applying the law.
- The concept of encompasses transparency, impartiality, reasoned decision-making, mechanisms for addressing misconduct, opportunities for appeal and review, and the crucial aspect of judicial independence.
- The Indian judiciary serves as a vital institution for administering justice and shaping governance, ensuring fairness and integrity in the country's political landscape.
- Challenges to judicial accountability in India include inadequate provisions for disciplining judges, persistent corruption concerns, and the risk of diminished accountability undermining democratic values.
- To enhance judicial accountability, proposed reforms in India include various bills, such as the Judges (Inquiry) Bill of 2006, the Judges (Declaration of Assets and Liabilities) Bill of 2009, and the Judicial Standards and Accountability Bill of 2010.
- The Right to Information Act (RTI) of 2005 plays a significant role in fostering transparency and accountability, enabling the disclosure of information related to public officials, including judiciary communications and internal documents.

Conclusion

The exploration of judicial accountability emphasizes its significance, particularly within the Indian judiciary. Central to this concept are the principles of transparency, impartiality, and reasoned decision-making, all of which are essential for upholding the rule of law and maintaining public trust in the legal system. Historically, in India, the king's role in ensuring swift and informal access to justice illustrates the long-standing importance of accountability in

³⁰The Judges (Inquiry) Act, 1968, available at: <https://indiankanoon.org/doc/1719017/>, (last visited on Jan 15, 2026)

preserving the integrity of judicial administration. The Indian judiciary plays a crucial role in shaping the governance and administrative landscape of the country.

However, challenges to judicial accountability persist, including the absence of effective disciplinary measures for judges and concerns surrounding corruption. Proposed reforms, such as the Judges (Inquiry) Bill of 2006 and the Judicial Standards and Accountability Bill of 2010, aim to tackle these issues and enhance transparency within the judiciary. Additionally, the Right to Information (RTI) Act of 2005 is highlighted for its critical role in promoting accountability by facilitating access to information, even within judicial proceedings. Overall, the vital importance of judicial accountability in upholding the rule of law, ensuring equitable governance, and fostering public trust, despite existing challenges, ongoing efforts toward legislative reforms and enhanced transparency, particularly through the RTI Act, reflect a commitment to creating a more accountable and transparent legal system in India, ultimately benefiting all citizens.

Suggestions

- Clear and effective judicial accountability mechanisms should be enacted to ensure timely disciplinary action against judges' misconduct, thereby maintaining public trust in the judiciary.
- Judges should be encouraged to disclose their assets and liabilities, and public access to judicial proceedings, decisions, and relevant documents should be ensured to promote transparency within the judiciary.
- Judicial accountability laws, such as the Judges (Inquiry) Bill and the Judicial Standards and Accountability Bill, should be reformed and implemented to address issues like corruption and improve the judicial disciplinary process.
- Educational campaigns should be launched to raise public awareness about judicial accountability, and public participation in discussions about reforms should be facilitated to ensure the judiciary aligns with democratic values.
- The Right to Information (RTI) Act should be utilized to make judicial decisions and internal communications more accessible, thereby increasing transparency in judicial operations.

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