

# Judicial Accountability in India

Posted at: 31/12/2024

## Judicial Accountability in India: Challenges and the Need for Reform

### Introduction

The **accountability of judges** in India, particularly in the higher judiciary, is a crucial yet contentious issue. While judicial independence is fundamental to a democracy, the existing mechanisms to ensure accountability are often criticized for their **complexity, inefficiency, and susceptibility to loopholes**.

Recent instances, such as **Justice Shekhar Kumar Yadav's controversial remarks** in the Allahabad High Court, have reignited debates on judicial accountability and the effectiveness of mechanisms addressing misconduct. This issue underscores the delicate balance between preserving judicial independence and ensuring accountability.

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## Accountability Mechanism for Judges

### Legal Framework

The accountability process is governed by:

- **Judges (Inquiry) Act, 1968**
- Constitutional provisions:
  - **Article 124(4) and (5)**: Governs the removal of Supreme Court judges.
  - **Articles 217 and 218**: Pertains to the removal of High Court judges.

### Review Process

Judges can only be removed for "**proved misbehaviour or incapacity**", as determined by a **three-member committee** comprising:

- A judge of the **Supreme Court**.
- The **Chief Justice** of a High Court.
- An **eminent jurist**.

### Impeachment Process

1. **Initiation of Motion:**
  - Begins in **Lok Sabha** or **Rajya Sabha** with the approval of the presiding officer.
2. **Voting Requirements:**
  - Requires a **two-thirds majority** of members present and voting in both Houses of

Parliament.

### **Key Challenge:**

The **high thresholds and procedural delays** make it difficult to address judicial misconduct effectively, often leading to **failed or inconclusive processes**.

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## **Case Studies Highlighting the Challenges**

### **1. Justice V. Ramaswamy (Supreme Court Judge)**

- **Allegations:** Financial impropriety, including extravagant spending on his official residence and misuse of public funds.
- **Outcome:**
  - Found guilty by a committee; the **Chief Justice of India** stopped assigning him work.
  - The impeachment motion failed in 1993 due to **Congress Party abstentions**, allowing Justice Ramaswamy to retire with full benefits.
  - **Key Issue:** Highlighted the **politicization and inefficiency** of the impeachment process.

### **2. Justice Soumitra Sen (Calcutta High Court Judge)**

- **Allegations:** Misappropriation of ₹33.23 lakh as a court-appointed receiver and misrepresentation of facts.
- **Outcome:**
  - Found guilty by a three-member committee; the **Rajya Sabha voted for his removal**.
  - He resigned before the Lok Sabha could table the motion, **avoiding formal accountability**.
  - **Key Issue:** Demonstrated how resignation allows judges to evade consequences.

### **3. Justice P.D. Dinakaran (Chief Justice, Sikkim High Court)**

- **Allegations:** Accused of **land grabbing** and other serious misconduct.
  - **Outcome:**
    - Resigned on the day proceedings were to begin, effectively halting the investigation.
    - **Key Issue:** Highlighted a significant loophole—resignation can terminate accountability processes.
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## **Need for Reforms**

### **1. Continuation of Investigations Post-Resignation**

- Resignation often allows judges to **escape accountability**.
- **Proposed Reform:**
  - Ensure that investigations continue post-resignation to determine **guilt or innocence**, preserving the integrity of the judiciary.

## 2. Independent Oversight Mechanisms

- The existing reliance on parliamentary procedures often leads to **delays and political interference**.
- **Proposed Reform:**
  - Establish a robust **independent oversight body** for initial investigations, bypassing parliamentary bottlenecks.

## 3. Revisiting the Judges (Inquiry) Act, 1968

- **Current Issues:** Procedural delays and lack of clarity.
- **Proposed Reform:**
  - Introduce amendments to streamline the impeachment process, reduce political influence, and set stricter timelines for investigations.

## 4. Strengthening Judicial Accountability Without Undermining Independence

- Ensure a **balanced approach** that protects judicial independence while holding judges accountable for misconduct.

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## Conclusion

The **current framework for judicial accountability in India** is inadequate to address instances of misconduct effectively. High levels of immunity, procedural delays, and loopholes such as resignation hinder the process.

Incidents like those involving **Justices Ramaswamy, Sen, and Dinakaran** underscore the urgent need for reform.

- **Investigations should continue post-resignation** to close accountability gaps.
- Establishing an **independent oversight body** can make the process more transparent and less politicized.
- Reforms to the **Judges (Inquiry) Act, 1968**, are essential to ensure a swift and fair process.

Judicial accountability is fundamental to maintaining public confidence in the judiciary. A stronger, more effective accountability mechanism will help uphold **judicial integrity**, ensuring the judiciary remains a cornerstone of India's democracy.

