

Judicial Accountability in India

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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.

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**.

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.

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.

