



JUDICIAL TRANSPARENCY AND ACCOUNTABILITY

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Abstract

The judiciary, as one of the three pillars of Indian democracy, is entrusted with the duty of interpreting laws, delivering justice, and upholding constitutional values. However, India's judicial system has, over the past few decades, witnessed significant ethical erosion, with corruption in its core. This paper explores the multi-dimensional facets of corruption within the Indian judiciary, examining systemic, procedural, and cultural factors that contribute to its persistence. The study identifies challenges like direct bribery, nepotism, "uncle judge syndrome," administrative manipulation, and lack of transparency in appointments, promotions, and transfers. Some proposed solutions include structural, administrative, and legislative reforms, revamping the collegium system or adopting the National Judicial Appointments Commission (NJAC) with appropriate safeguards, making asset declarations by judges mandatory, and enhancing transparency in the disciplinary process.

In conclusion, the paper calls for a bold and multipronged approach combining legal reform, technological advancement, public participation, and ethical revival to ensure that the Indian judiciary remains truly independent, transparent, and accountable.

KEYWORDS: Indian Judiciary, Corruption, Nepotism, Erring Judges, Use of Technology, E-filings, Independence and Accountability of Judiciary.

Research Methodology

The author has majorly made thorough use of secondary resources like articles, research papers, journals, various online sources and trusted websites for gathering information about the status quo of Indian judiciary. There also have been quoted real life instances and statistics.

Objectives

- To have a bigger picture or status quo of Indian judiciary
- To study causal factors of corruption in judiciary
- To analyse how corruption can be dealt with

Introduction

Judiciary is one of three organs of a functioning democracy in our country India. The first and foremost duty of judiciary is to interpret laws made by the legislature, deliver justice by adjudicating upon conflicts in society, and punishing the offenders of law. Historically, Courts were revered as temples of justice, while the common masses looked up to the judges as demi-gods themselves. However, with passage of time, in the last few decades, it has undergone certain level of erosion.

Corruption is an unprincipled or unlawful conduct, depicted generally by people in power and authority, primarily for private/economic gains or selfish motives. Hefty backlog of cases, corruption, nepotism, passing favourable judgments in return for bribes, forum shopping, innumerable adjournments, severely under-qualified legal staff and faculty, apathetic mode of administration, and a dozen of other similar maladies have come together to corrode the system.

In 2010, contempt proceedings were initiated against Mr Prashant Bhushan for the following statement that he gave in an interview to Tehelka: “In my view, out of the last 16 to 17 Chief Justices, half have been corrupt. I can’t prove this, though we had evidence against Punchhi, Anand, and Sabharwal on the basis of which we sought their impeachment¹”.

Challenges in the judicial system

- The gnawing menace of Corruption:** Corruption has unfortunately permeated the core of the Indian judicial system. 2 to 3 decades before, the idea that a judge of a High Court or the Supreme Court could be corrupt, was absolutely incomprehensible. Things have changed dramatically with the passage of time. In March 2010, a sitting Chief Justice of Gujarat High Court openly made a statement. His statement was published by the Times of India in its issue of 6th March 2010 with headlines “In our judiciary, anybody can be bought”².
- Nepotism and Favouritism (‘Uncle Judge Syndrome’):** Also known as adjudicatory corruption, it is a classic example of how family networks within the judiciary come together to weave a yarn of nepotism and mutual favouritism, creating a safe nestling for themselves and their other family members to take up higher judicial posts, to thrive and earn money, albeit sometimes without merit. The cost, however, for the same has to be paid unfortunately by the common masses for whom judiciary is the last bastion of justice.

¹ “Eight of the Last Sixteen Chief Justices of India were definitely Corrupt”, an article by the *Outlook*, January 17, 2024

² *Ibid.*

Judges and lawyers related to other lawyers and judges give and receive preferential treatment, undermining the fairness of the system. The **Law Commission's 230th Report (2009)** recognised the flourishing of "Uncle Judge Syndrome".

- c) **Administrative Corruption:** There have been ample instances of Court clerks and staff manipulating files or delaying proceedings in exchange for bribe.
- d) **Inaccessibility of judicial services:** The availability of various judicial services be it adjudication, legal aid or engaging of advocates, all become inaccessible because of the incessantly gaping economic gap between the rich and poor. While the poor do not have money and also severely lack legal knowledge and awareness, it is the rich on whose tunes the legal system dances because they wield enough power and monetary resources, thus being able to twist justice in their own favour.
- e) **Lack of transparency in appointments and transfers:** Allegations of undue influence in appointments and transfers have been the norm since last 2-3 decades but remains unaddressed due to lack of transparency.
- f) **Inefficient Collegium system:** The impervious system of selection and transfer of judges under the collegium system accelerates favouritism and nepotism. Dearth of standardisation, impartial and objective criteria for elevation and transfer results in quid-pro-quo arrangements.
- g) **Threat of getting transferred:** Unfavourable decisions may sometimes result in transfers in a punitive colour or denial of promotions. For example, Justice Sanjib Banerjee (ret'd.), former Chief Justice of Meghalaya High Court in 2023, recollects how he was transferred to Meghalaya High Court after reporting to the Chief Justice of India about corrupt judges, in-spite of being backed by evidence. "That was only the excuse that was allowed to gain currency. The reasons are much more serious and much more deep-rooted; that plagues the institution. The reason is that I found corrupt judges and I reported to my Chief Justice of India about the corrupt judges with evidence backing it up," Bar and Bench quoted Banerjee as saying.³
- h) **Post-retirement benefits and placements:** Judges accept lucrative positions in tribunals, commissions, or advisory boards post-retirement. They tend to deliver favourable judgments to secure future benefits. "**Jobs for justice(s): Corruption in the Supreme Court of India**⁴" is a research paper that investigates in depth whether judicial decisions and judgments are delivered, keeping in mind, career concerns of judges in the hope of receiving jobs after retiring from the Court.
- i) **Ineffective disciplinary mechanism:** The In-house mechanism's failure to notice, creates a breeding environment for corrupt practices to go unrestricted. The confidentiality of proceedings against judges' misconduct diminishes integrity.

³ Sinha, Sahil. "Reporting corrupt judges to Chief Justice resulted in my transfer: Ex-judge", an article by *India Today*, March 17, 2024

⁴ ANEY, Madhav S.; DAM, Shubhankar; and KO, Giovanni. "Jobs for justice(s): Corruption in the Supreme Court of India". (2017). 1-38

- j) **Lack of protection to whistleblowers:** Be it judges or any other legal official who exposes corruption within the system, risks facing punitive actions. There is a lack of statutes that protect whistleblowers from bearing the brunt of exposing corruption.

Two main mechanisms to deal with judges' corruption:

1. The Supreme Court's In-House Mechanism
2. The impeachment proceedings by Parliament

In-house procedure: It is more of a confidential and internalised process, often tainted with political manoeuvring and has seldom resulted in any serious action being taken against the accused judge till date.

- a) The In-house procedure was introduced by the Supreme Court in 1999.
- b) The Chief Justice of India is the mandated authority who receives complaints against the misconduct of Judges of the Supreme Court and the Chief Justices of the High Courts. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of High Court Judges.
- c) In case of grave allegations against a judge, his explanation is asked for. If he furnishes a satisfactory explanation, the matter is dismissed. And if not, the complaint and response are forwarded to the chief justice of India, who may order a roving inquiry.
- d) A tripartite committee comprising of two High Court chief justices and one judge conducts an informal inquiry. The accused judge can participate, but lawyers and witness cross-examinations are not allowed. If the allegations are serious, the judge is advised to resign.
- e) If he refuses to resign, his judicial work is withdrawn and the CJI may recommend impeachment. For lesser misconduct, the judge is counselled and the committee's report is shared with them.
- f) During last 5 years, i.e., from 1 January 2017 to 31 December 2021, 1631 complaints were received by the Centralised Public Grievance Redress and Monitoring System (CPGRAMS) as to the functioning of the judiciary including judicial corruption and forwarded to the CJI/Chief Justice of High Courts, respectively, as per the procedure established under "in-house mechanism"⁵.

The Impeachment Process

The constitutional provision for the impeachment/removal of judges lies under Article 124(4) and (5). The impeachment process is guided by an inquiry conducted as per the procedure under the Judges Inquiry Act, 1968. The grounds for removal as entailed in the Constitution are "proven misbehaviour" or "incapacity". Although the Constitution does not clearly demarcate as to what constitutes proven misbehaviour or incapacity, in common parlance it has been construed to be as corruption, lack of integrity or wilful misconduct.

⁵ "Corruption in judiciary, Press Information Bureau Government of India Ministry of Law and Justice", April 2022, by PIB Delhi

The motion for removal mandates signatures from 100 Lok Sabha MPs or 50 Rajya Sabha MPs. If obtained, a three-member judicial committee sets up to investigate into the allegation. If the allegation is proven to be true, the Parliament casts its votes. The President is then advised to remove the judge, if the required majority of votes is obtained in the Parliament.

Criticism of procedure of impeachment of judges

- The in-house procedure has proven regrettably inefficient. It functions behind a veil of secrecy that shields judges from genuine public criticism. The two-thirds majority in both houses of Parliament is so unattainable that the motion fails in either of the Houses. And consequently, no judge has ever been successfully impeached despite numerous allegations.
- Criminal prosecutions and complaints against judges remain exceptionally rare and mostly inconclusive. The requirement for the CJI's prior sanction before registering a criminal case against a High Court or Supreme Court judge, acts more like a safeguarding coverage against an erring judge. For example, the SC ruled that inquiry reports under this mechanism are confidential, citing a 2003 judgment⁶. Consequently, the number of judges against whom action has been taken remains unanswered.
- Recently, a special bench, comprising justices Bhushan R Gavai, Surya Kant and Abhay S Oka, quashed the Lokpal's January 27 order declaring how High Court judges do not come under the purview of the Lokpal and Lokayuktas Act, 2013, as their appointment is governed by the Constitution and that they are not a "public servant"⁷.

Some significant judicial complaints and course of action taken

- **Justice V Ramaswami (1993)** – He became the first judge of SC to face an impeachment motion for financial misappropriation, when he was the Chief Justice of Punjab and Haryana HC. Out of 401 members present and voting, 196 voted in favour of impeachment. The motion failed because Congress abstaining from voting. He died in March 2025 only, at a ripe age of 96.
- **Justice K Veeraswami** – The former Chief Justice of the Madras High Court had unexplained wealth of Rs. 6 Lakhs. Although the CBI had filed a chargesheet, he could manage to successfully delay the trial for years, when until he died in 2010.
- **Justice IM Qudus Case (2017)** - Former Orissa High Court Judge IM Qudus was arrested for allegedly conspiring to influence Supreme Court proceedings related to a medical college scam. He was accused by the CBI of ensuring that the Supreme Court ruled in favour of a medical college in Lucknow that was seeking the reversal from its blacklisting by the government.

⁶ Indira Jaising vs Supreme Court of India 2017 (9) SCC 766

⁷ Anand, Utkarsh. "SC stays Lokpal's order on HC judges, calls it 'very disturbing'", an article by *The Hindustan Times*, February 2025

- **Justice Soumitra Sen impeachment (2011)** - Justice Soumitra Sen of the Calcutta High Court was the first sitting judge in India to face impeachment for financial misappropriation. He was accused of embezzling ₹33.23 lakh, and in spite of defending himself, the Rajya Sabha voted crushingly for his removal. Even before the impeachment procedure could be completed in the Lok Sabha, he resigned.
- **Justice PD Dinakaran Case (2009-2011)** – The then Chief Justice of the Karnataka High Court, faced serious allegations of illegally acquiring land and corruption. Following pressure from the Bar Association and an inquiry committee, he resigned in 2011 to avoid impeachment.
- **Provident Fund Scam (Ghaziabad, 2008)** – An enormous scam of ₹23 crore emerged in the Ghaziabad district court, wherein the judicial employees' provident fund were embezzled. Numerous judicial officers and sitting judges, were under scanner, exposing systemic loopholes.
- **Justice Deepak Mishra (2018)** – It was seen as one of the darkest days for the SC when it's 4 senior most judges – Justice MB Lokur, Justice J Chelameshwar, Justice Gogoi and Justice Kurian Joseph, revolted against the then CJI Justice Deepak Mishra for against his allegedly arbitrary way of assigning important cases to junior judges, rather than to the other senior judges of SC.
- **Justice Ranjan Gogoi (2019)** – In 2019, a former Court Officer was allegedly sexually harassed by the then Chief Justice of India, Ranjan Gogoi. She also alleged how subsequently, her husband and brother-in-law also had to suffer victimisation. The In-House Committee however declared that it did not find the allegations credible.
- **Justice SN Shukla (2019)** – He was accused of accepting bribe for passing an order that favoured the Lucknow-based medical college, which was disbarred in May 2017 from admitting students by the Medical Council of India. CBI had even filed chargesheet against him alleging hatching of a conspiracy. His judicial work was withdrawn, though he remained as judge and received full salary until he retired in 2020.
- **Justice Shekhar Kumar Yadav (2024)** – In December 2024, the Allahabad HC judge he faced an in-house inquiry for communal remarks against the Muslim community at a VHP event. He is said to have been the first judge to undergo impeachment proceedings on the grounds of hate speech. His impeachment motion is still pending in the Parliament.

Indian Judiciary in the Global arena⁸

- Global accounts have divulged manifold inadequacies in the Indian judicial system. World Justice Project's (WJP) 2023 Rule of Law Index, shows how India dropped from 0.50 in 2022 to 0.49 in 2023. India stood on 79th position out of 142 countries in 2023 while the justice delivery system in the country are on a breaking point already. Since 2015, India's grade has been constantly deteriorating.

⁸ "How Indian Judiciary Is Condemned in the World", an article by *RMN Foundation*, August 21, 2024

- The countries that perform better on the index are Sri Lanka (77), Nepal (71), Indonesia (66), Ghana (61), Jamaica (54), Kuwait (52), and Mauritius (46).
- The following factors are taken into consideration for preparing the index - government interference, corruption, fundamental rights of citizens, government transparency, regulatory enforcement, civil justice, and criminal justice.

Repercussions of Corruption in Judiciary⁹

The cracks in the system have already started appearing. Some far-reaching consequences of corruption and abuse of power can be seen as follows:

- Dilution of public trust and authenticity:** Corruption debilitates the confidence of public in the judiciary, which actually is supposed to be the ultimate fountain of justice. If judges place their own self in a compromising situation, citizens lose faith in the hegemony of law, weakening the democratic institutions. For example, the Senior Supreme Court advocate, Mr. Kapil Sibal was critical of the Allahabad High Court's observation that said "Holding breast, breaking pyjama's string is not a crime of rape". "God save this country with such judges adorning the Bench. The Supreme Court has been too soft in dealing with errant judges," Sibal said in his post on X¹⁰.
"Legitimacy and public confidence are not secured through coercion of command but through the credibility earned by courts. Any erosion of this confidence risks weakening the judiciary's constitutional role as the ultimate arbiter of rights. Transparency and accountability are democratic virtues," CJI BR Gavai said, speaking at a roundtable conference in the Supreme Court of the United Kingdom on "Maintaining Judicial Legitimacy and Public Confidence"¹¹.
- A negotiated rule of law:** Corrupt judges favour influential parties and leading politicians. This, in turn promotes unruliness, as wrongdoers are let scot-free.
- Opportunity organized crimes and corruption:** Corruption within the judiciary enables criminals, politicians, and business elites to operate without the fear of prosecution. When courts blindfold themselves to these camouflaged criminals, it emboldens the spirits of offenders. While the deep pocketed and influential can manipulate the system by twisting it in their favour, the poor are denied basic legal rights like fair hearings.
- Reduced judicial accountability:** Indifferent disciplinary mechanisms and the system sans public scrutiny, results in minimal or sometimes even no repercussions for the perpetrators of corruption. Justice Markandey Katju (retired.), a former judge of the Supreme Court (SC), on 28th September 2015 while addressing the lawyers of Punjab and Haryana high court, to mark Shaheed Bhagat Singh's birth

⁹ "Article on Judicial Corruption in India" by *Physics Wallah Only IAS* March 25, 2025

¹⁰ "Corruption in judiciary: Sibal seeks 'transparency' in judges' appointment", an article by the *Business Standard* June 24, 2025

¹¹ "Instances of corruption, misconduct within judiciary impact public confidence: CJI Gavai", an article by *The Economic Times*, Jun 4, 2025

anniversary claimed that 50% of the higher judiciary consisting of SC and high court judges was corrupt¹².

Way forward to combat Judicial Corruption¹³

Tackling corruption in the Indian judicial system will require a multi-pronged approach. Not one, but innumerable factors together contribute towards the growth of this malady. Some of these factors even overlap and intertwine with each other. The following contributory factors need to be studied and worked upon, in order to refine the judicial system.

- a) **Preventing corruption:** Stringent accountability mechanisms deter judges from engaging in corrupt practices. Ensuring integrity sends a message that instances of judicial misconduct will be exposed and dealt with a firm hand.
- b) **Ensuring judicial independence:** Article 50 of the Constitution of India categorically talks of separation of executive from the judiciary. The same needs to be implemented in real life and not remain a dead letter only. Upholding ethical standards through accountability is one way of strengthening judicial independence.
- c) **Addressing Judicial Delays:** Appropriate mechanisms can help identify and address inefficiencies in the judicial system, reducing delays. They help improve case management and reduce pendency and backlog.
- d) There are more than 45 million pending cases, out of which one-third of which are more than five years old. In February 2025, 1.77 million new cases were instituted and 1.18 million disposed, making backlog only bigger a menace to clear. The brunt, unfortunately, has to be borne by hundreds of thousands of accused in jail and businesses fighting commercial cases, sometimes for as long as two decades.

Gautam Patel (former lawyer and Bombay High Court judge) states that the primary reason for high pendency lies in “extremely antiquated judicial processes” that no amount of money and judges can fix. From serving notice to defendants to implementing court orders, every aspect of case management is dogged by archaic and inconsistent rules of procedure that differ across courts causing confusion and delays.¹⁴

- e) **Preventing Abuse of Power:** Workable accountability mechanisms prevent judicial overreach and ensure that judges do not exceed their constitutional mandate. Even the judiciary needs an impartial body that can keep an eye on it.

¹² Singh, Yashweer. “Corruption in Indian Judiciary”, a research paper by *World Wide Journal of Multidisciplinary Research and Development*, MJIF: 4.25 e-ISSN: 2454-6615

¹³ “Article on Judicial Corruption in India” by *Physics Wallah Only IAS* March 25, 2025

¹⁴ Doshi, Menaka. “A Fire in India’s Judiciary”, an article by *Bloomberg, Newsletter, The India Edition* March 2025

f) **Improving transparency and accountability in judicial appointments, promotions and transfers:**

The revival of collegium system or National Judicial Appointments Commission (NJAC) and then bringing the necessary changes in it that cater to the need of the time by offering a workable solution, is seen as a potential solution.

g) **Tackling the cumbersome backlog of pending cases:** There are only 15 judges for a million population in the country, throwing light on a world of difference from recommendation of the Law Commission, of 50 judges per million population, as shown by the 2025 India Justice Report¹⁵. A cumbersome amount of backlog of cases can directly be attributed to the paucity of judicial officers and unwillingness of the authorities to fill up the vacancies, or even ensuring ample vacancies in the first place.

In December 2023, Law Minister Arjun Ram Meghwal revealed that more than 5 crore cases were pending across India's district, subordinate and High Courts. About 25 percent of cases are decided in less than a year whereas about 40 percent of cases languish for over three years¹⁶.

h) **Countering corruption in the rudimentary stage itself:** Young judicial officers appointed through direct recruitment, do not possess any knowledge about the work culture and challenges of courts. The huge backlog of cases, the slow pace at which cases are disposed, tedious adjournments and other various inconsistencies of the court irks these newly appointed officers, and that causes them to accept and offer bribes in exchange of lucrative favours. In the wake of this problem, the SC on 20 May, 2025 in *All India Judges Association v Union of India*¹⁷ held that candidates seeking to become a Civil Judge (Junior Division) need to compulsorily have practised as an advocate or law clerk for at least three years, overruling its 2002 judgment¹⁸.

In 2013, 36% citizens had to pay bribe to the judiciary. A 2007 survey showed that 59% of respondents paid bribes to lawyers, 5% to judges, and 30% to court officials for speedy and favourable judgments¹⁹.

i) **Strengthening the In-house disciplinary mechanism:** This can be done by making the inquiry process transparent and time-bound. Creating a Judicial Ethics commission will only further cement the strength of these mechanisms.

¹⁵ "Only 15 judges per million population in the country: 2025 India Justice Report", an article by *The Economic Times*, 15 April, 2025

¹⁶ Gandhi, Shailesh. "Judicial corruption and case backlog: An exception or an endemic?" an article by *Impact and Policy Research Institute*, April 4, 2025

¹⁷ 2025 SCO.LR 5(3)[15]

¹⁸ "Only 15 judges per million population in the country: 2025 India Justice Report", an article by *The Economic Times*, April 15, 2025

¹⁹ RenuKumar, Nayana. "The Indian Judiciary on Trial: Tackling Corruption in India's Courts", an article by *The Global Anti-Corruption Blog*, February 12, 2006

- j) **Introduction of mandatory asset declaration by Judges:** Annual asset declaration by judges should be made mandatory and be published on official websites to detect discrepancies. Recently in May 2025, Twenty-one Supreme Court judges, including Chief Justice of India Sanjiv Khanna, disclosed their financial assets and liabilities on the Supreme Court's official website²⁰.
- k) **Digitization and AI-based case management:** Scaling up the e-Courts mission to ensure complete digitization of court records and case proceedings will make the process hassle free. Strengthening case management systems by installing AI helps identify and address bottlenecks in the judicial system. The E-courts project was established in the year 2005. According to the project, all the courts including taluk courts will get computerised²¹.
AI can be used to automate tasks such as scheduling hearings and managing case files. This can free up court staff to focus on other tasks. AI can act as a catalyst, strengthening links between law enforcement agencies and the communities they serve.
- l) **Reviving and implementing All India Judicial Services (AIJS):** Implement AIJS will bring in set standards of recruitment and reduce nepotism at the subordinate judiciary level.
- m) **Putting a bar on post-retirement appointments and related benefits:** Judges find these posts enticing because of the power they can yield in policy formation through decision making. The discontinuance of this practice has been proposed as the obvious solution to this problem, however neither judges nor the government has welcomed the move. Introduction of a mandatory cooling-off period of at least 2 years before judges can accept post-retirement positions in government bodies or commissions is also seen as a potential option. Another potential solution can be to assign these posts on the basis of seniority or expertise in subject matter.
"Another point of discussion is post-retirement jobs taken by judges. In India, judges are subject to a fixed retirement age. If a judge takes up another appointment with the government immediately after retirement, or resigns from the bench to contest elections, it raises significant ethical concerns and invites public scrutiny," CJI BR Gavai said, speaking at a roundtable conference in the Supreme Court of the United Kingdom on "Maintaining Judicial Legitimacy and Public Confidence"²².
- n) **Amending the Contempt of Courts Act, 1971:** An amendment should be brought in, clearly outlining as to what constitutes contempt so that the offending judges do not evade their lack of accountability and transparency under the garb of any allegation as a contempt of Court.
- o) **Promoting public awareness against corruption in judiciary:** Furthermore, there is absolute need for enhanced public awareness and involvement on issues related to corruption in the judiciary. Civil societies, NGOs, media, and citizenry should gather and promote awareness about the ongoing trends and malpractices in judiciary, and play a proactive role in holding the judiciary accountable and

²⁰ <https://www.sci.gov.in/assets-of-judges/>

²¹ <https://www.ncib.in/pdf/judiciary-of-india.pdf>

²² "Instances of corruption, misconduct within judiciary impact public confidence: CJI Gavai", an article by *The Economic Times*, June 4, 2025

demanding transparency in its functioning. For example, there can be websites designed to educate laymen regarding basic legal rights and legal education.

Some other institutional frameworks & accountability mechanisms in Judiciary²³

- a) **Judges (Protection) Act, 1985:** This Act provides additional protection or immunity to Judges and others officers from civil and criminal litigation, acting in judicial capacity.
- b) **Restatement of Values of Judicial Life (1997):** A code of conduct was adopted by the Supreme Court in 1997 which outlines ethical standards for judges, but is not brought into use as much as it should be. The rising ethical concerns clearly point out it's lack of enforceability.
- c) **Contempt of Courts Act, 1971:** Judges can use contempt powers to counter attempts aimed at thwarting the dignity of the judiciary. A complaint for criminal contempt can be initiated for scandalizing the court or defiling its authority.
- d) **Lokpal and Lokayuktas Act, 2013** - Judges of the Supreme Court and High Courts, which are not originally under the ambit of it, should now be brought under the scanner via Lokpal.
- e) **Law Commission Recommendations**
 - **230th Report (2009):** Advocates transfer of judges from their parent High Courts to avoid favouritism.
 - **214th Report (2008):** Recommended reforms in the collegium system to promote more transparency.
- f) **Use of technology:** For example, AI-powered document automation tools enable legal professionals to generate standard legal documents such as contracts, wills, and non-disclosure agreements with minimal input. These tools reduce drafting time, lower the risk of errors, and ensure consistency. These are especially helpful in public dealings like in banks, contractual services, financial institutions and other public sector dealings and undertakings. Special onus has to be taken to acquaint the legal faculty with use of technology to ensure ease of work.
- g) **A broad code of conduct and accountability reports:** The need of hour warrants a more formal and comprehensive code of conduct for Judges with authoritative backing of law. The annual reports on functioning and efficiency should be published to foster accountability, as already brought in practice by the Orissa High Court.
- h) **Article 311 of Constitution:** It talks of dismissal of corrupt public servants which should now be applicable to judges also.
- i) **Prevention of Corruption Act (PCA), 1988:** Criminalizes bribery, undue influence, and illicit enrichment by public servants. After the 2018 Amendment, it has criminalized bribe-giving and mandates speedy trials.
- j) **Benami Transactions Act, 1988:** Targets undisclosed assets during investigation carried out by Enforcement Directorate (ED).

²³ "Article on Judicial Corruption in India" by *Physics Wallah Only IAS*, March 25, 2025

- k) **Prevention of Money Laundering Act (PMLA), 2002:** It is a criminal law enacted to prevent money laundering and provides for confiscation of property derived from, or involved in, money-laundering and for matters connected therewith or incidental thereto.
- l) **Central Vigilance Commission (CVC), 2003:** CVC is the apex vigilance institution that superintends vigilance administration and counteracts corruption in public administration. CVC also oversees the functioning of the Central Bureau of Investigation (CBI).
- m) **Companies Act, 2013:** It is a bible for the functioning mechanism for companies. It enlists provisions meant to stall corruption in private sector.
- n) **Enforcement Directorate:** ED prosecutes money laundering concomitant to corruption. The core function of ED is to enforce the provisions of the PMLA by conducting investigation to trace the assets derived from proceeds of crime, to provisionally attach the property, ensure persecution of the offenders and seizure of the property by the Special court.

“India Judicial Research Report 2024: Decline of the Indian Judiciary²⁴”

To improve the efficacy and functioning of judiciary, there is not one, but again, a host of solutions that will have to be implemented. The above mentioned report suggests the following recommendations as solutions to combat multiple problems:

- a) **Selection process of Judges:** Proper live-streamed interviews conducted by select committees of honest judges after making the profiles and record of candidates public on a dedicated website. This system is similar to the one of congressional hearings in the United States. Only those judges should be appointed in high courts and the Supreme Court who would not take government jobs or any other undue benefit after retirement.
- b) **Judges’ ethics and decorum:** Judges too must be subject to some kind of scrutiny, be it judicial review or any other. They too must adhere to a code of conduct which regularises their behaviour. Some ethics should be made absolutely indispensable. Bar associations must act against corrupt members.
- c) **Qualification of Lawyers:** Only those people should be allowed to practice in courts who have obtained their law degrees from recognised and reputed colleges or universities.

The Supreme Court ordered setting up of a committee headed by former apex court judge Justice Deepak Gupta to monitor the verification of certificate of law practice and other educational degrees of over 25 lakh lawyers in the country, since it is of utmost importance to preserve the administration of justice. The move comes amidst allegations of lawyers with fake degrees practising in courts across the country²⁵.

“The verification of lawyers' degree and certificate of practice is of paramount importance to preserve the administration of justice”, a bench consisting Chief Justice D Y Chandrachud and Justices P S Narasimha and J B Pardiwala said.

²⁴ “Recommendations to Restore the Credibility of the Indian Judiciary”, an article by *RMN Foundation*, October 12, 2024

²⁵ “Supreme Court panel to oversee verification of over 2.5 million lawyers”, an article by *Business Standard*, June 26, 2025

- d) **Lateral Entry:** The courts can provide lateral entry to qualified professionals and domain experts to work as lawyers. This practice is already a part of Indian civil services where professionals from the private sector work in Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Revenue Service (IRS) officers.
- e) **Academic institutions and courses:** As a matter of urgency, the law colleges and universities need to revamp their courses and pedagogical methodologies as quick as possible, so that it can create such a class of legal professionals who can keep themselves up with the changing trends and dynamics of law, become the harbinger of change as and when needed and have the courage to discard old and redundant means and ways in the field of law.
- f) **Use of technology and special software:** LIMBS (Legal Information Management & Briefing System) is a web-based software to monitor cases in a more effective and transparent manner where the central government of India is involved. The e-Courts project now enables online case filing, random case allocation, and digital case tracking, limiting the direct interfaces that bred bribery.
- g) **Integrating AI:** AI can help analyse data on previous cases, including outcomes, to help prosecutors in building stronger cases and achieving better outcomes. It will do away with a whole lot of paper and file work and related formalities, thus not only digitising the process but also making it less time consuming and delivering justice promptly.
- h) **Legal Aid:** It should be made compulsory for fully qualified advocates to provide free legal aid in all types of courts. These advocates must be selected after properly testing their communication skills, language skills, technology skills, and knowledge of law.
- i) **Online Court Cases:** The e-filing systems have been implemented in very few states only. The digital interfaces must be so user friendly so that more litigants can use them without hiring advocates. Video recordings of court proceedings should be maintained to ensure transparency.
- j) **Courageous judges:** Judges should function courageously without fearing criminals or politicians. The common masses often talk about the valour of late Justice Loya who was adjudicating as a special CBI judge in a high profile case and got killed apparently due to political intervention.
- k) **Committee of domain experts:** Instead of following the traditional practice of forming committees consisting of bureaucrats or court staff to supervise various legal processes, the Supreme Court and the government should instead form a top-level committee of domain experts who hold finesse in the field of law, technology, communications, and public relations. This group of experts have the potential to redevelop and revamp the court processes.
- l) **Judicial Standards and Accountability Bill, 2010:** The Judicial Standards and Accountability Bill, 2010 requires judges to declare their assets, lays down judicial standards, and establish processes for removal of judges of the Supreme Court and High Courts. The Bill establishes the National Judicial Oversight Committee, the Complaints Scrutiny Panel and an investigation committee. This Act purports to replace the Judges (Inquiry) Act, 1968.

- m) **Provide alternative methods of dispute resolution:** Alternate Dispute resolution mechanisms like arbitration, conciliation, negotiation, lok adalats, fast track courts etc, that are already functional in our country, should be given more and more impetus and made litigant and cost friendly. This will reduce the workload of higher courts.
- n) **Create a vigilance cell for redressal of public grievances:** Making the system accessible to the common masses is one the means of ensuring success of it. The public does and has always needed an ear for their grievances, and creating a dedicated cell for the same can ensure solution of problems from the base level itself.
- o) **Extending the Right to Information Act to cover the judiciary:** The inclusion of judges under RTI has sparked a debate. The inclusion will although make citizens better informed, thus resulting in an accountable and fair judiciary, but might also, on the other hand, used to harass or influence judges, potentially undermining their ability to make impartial decisions.

Conclusion

An environment of indifference has given birth to judicial corruption in India. Its main drivers include a firm control on investigative and prosecutorial functions, a controlled information ecosystem, and sheer misuse of aggressive use of contempt powers. Other branches like the executive, the legislature and the media, have only given impetus to the process with their lack of integrity and ignorance.

On December 10, 2021, in a televised interview, when the former Chief Justice of India, Justice Ranjan Gogoi was questioned about the presence of corruption in Indian judiciary, he answered, “Corruption is as old as society. Corruption has become an acceptable way of life and judges don’t fall from heaven²⁶.”

Statements like these and all other real courtroom based instances have proven how corruption is embedded deep into the system, and yet the Supreme Court remains inflexibly wedded to a "there is no corruption" stand. The need of the hour is of a courageous, ethical, accountable and independent judiciary. One that not only regulates it’s own self with integrity and ethics, but also of an independent body, untouched by judiciary itself, that reviews and curbs arbitrary tendencies from time to time.

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