



JUDICIAL ACCOUNTABILITY AND TRANSPARENCY IN INDIA: A CRITICAL ANALYSIS IN THE ERA OF DIGITAL JUSTICE AND INSTITUTIONAL REFORMS

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ABSTRACT

The Indian judiciary, while constitutionally mandated to operate independently, faces increasing scrutiny regarding accountability mechanisms and transparency in its operations. This article examines the multidimensional framework of judicial accountability in India, analyzing the constitutional protections granted to judges alongside the legitimate concerns regarding delays, opaque appointments, limited mechanisms for addressing judicial misconduct, and inconsistent case management. The research demonstrates that judicial accountability is not merely a mechanism to identify wrongdoing but a foundational pillar that sustains public confidence and legitimacy of the democratic legal system. Through an examination of recent institutional reforms including the e-Courts Project (Phases I-III), the National Mission for Justice Delivery and Legal Reforms, and emerging digital justice initiatives-this article evaluates the progress made in enhancing transparency and efficiency while identifying persistent challenges in implementation. The study concludes that a balanced, accountable, and modernized judiciary requires comprehensive statutory frameworks for judicial appointments, effective complaint mechanisms, mandatory asset disclosures, and sustained investment in digital infrastructure. Comparative perspectives from international judicial systems and recent 2025 reform debates provide evidence-based recommendations for strengthening India's judicial accountability architecture while maintaining constitutional independence.

Keywords: judicial accountability, transparency, digital justice, e-courts, judicial independence, institutional reforms, India

INTRODUCTION

The Indian judiciary occupies a constitutionally protected and institutionally significant position in the architecture of democratic governance[1]. Article 50 of the Indian Constitution, while not justiciable, establishes the principle of separation of powers, envisioning an independent judiciary insulated from executive and legislative interference. However, the tension between judicial independence and judicial accountability has emerged as one of the most critical issues in India's justice system discourse, particularly in the context of institutional legitimacy and public confidence in the rule of law[2]. The legitimacy of any democratic legal system is fundamentally dependent on two interconnected pillars: the independence of the judiciary and its accountability to the public it serves. Judicial



accountability extends beyond the identification of individual misconduct; it represents a comprehensive framework encompassing transparent processes for appointments, merit-based selection criteria, mechanisms for addressing complaints against judges, ethical training, and systematic performance evaluation[3]. India's judiciary, despite its constitutional status and rich jurisprudential traditions, has faced persistent criticism regarding delays in case disposal, limited transparency in judicial appointments through the Collegium system, and the absence of clear statutory mechanisms for addressing judicial misconduct[4].

The significance of this research emerges from several contemporary developments. First, the unprecedented controversies surrounding judicial conduct in 2025, including the cash recovery controversy involving Justice Yashwant Varma, have intensified public discourse on the adequacy of the in-house inquiry procedure and the need for transparent, statutory-backed accountability mechanisms[5]. Second, India's ambitious digital transformation through the e-Courts Project (Phases I-III) offers unprecedented opportunities to enhance transparency and efficiency simultaneously[6]. Third, international institutions such as the International Commission of Jurists have issued formal reports identifying critical structural deficiencies in India's judicial accountability framework, necessitating urgent legislative and administrative reforms[7]. This article undertakes a comprehensive analysis of judicial accountability and transparency in India, examining the constitutional framework, existing mechanisms, recent institutional reforms, and evidence-based recommendations for strengthening the system. The analysis integrates empirical data from the e-Courts Project, statutory provisions, court resolutions, and recent judicial pronouncements to provide a nuanced assessment of India's journey toward a more transparent and accountable judiciary in the digital era.

CONSTITUTIONAL FRAMEWORK AND THE DOCTRINE OF JUDICIAL INDEPENDENCE

Constitutional Protections and Independence

The Constitution of India provides extensive protections for judicial independence, recognizing that an independent judiciary is indispensable for the rule of law and protection of fundamental rights. Article 124(4) provides for the security of tenure of Supreme Court judges, while Article 221 and 224 contain similar protections for High Court judges. These constitutional provisions reflect the principle that judges cannot be removed or disciplined except through formal impeachment, preventing arbitrary executive interference[1]. The doctrine of judicial independence, however, must be distinguished from judicial unaccountability. The Preamble to the Constitution pledges to secure "liberty of thought, expression, belief, faith and worship" and "equality of status and opportunity"—values that are undermined when judicial power operates without transparent mechanisms for accountability[8]. The Supreme Court itself has recognized that while judges enjoy protection against removal, this protection is not immunity from legitimate accountability measures[9].

The Collegium System and Appointment Transparency

The Constitution originally vested the power of judicial appointments in the executive (President). However, the landmark "Three Judges Cases" S.P. Gupta v. President of India (1981), Supreme Court Advocates-on-Record Association v. Union of India (1993), and re-



examination in subsequent cases shifted primacy from the executive to the judiciary through the Collegium system[2]. While the Collegium system has insulated judicial appointments from direct executive control, it has simultaneously created a significant transparency deficit. The Collegium operates without statutory backing, without published objective criteria for judicial appointments, and without public disclosure of its deliberations[7]. This lack of transparency has been criticized by international human rights bodies and domestic legal scholars as contrary to principles of merit-based selection and fairness. Recent controversies surrounding judicial appointments, including the delayed appointment of judges and allegations of arbitrariness, have highlighted the need for transparent, objective criteria and potentially a statutory body to oversee the appointment process[4].

MECHANISMS OF JUDICIAL ACCOUNTABILITY: CURRENT FRAMEWORK AND LIMITATIONS

The In-House Inquiry Procedure

The primary mechanism for addressing allegations of judicial misconduct is the in-house inquiry procedure, developed through Supreme Court resolutions and elaborated in the "Restatement of Values of Judicial Life" (1997)[1]. The in-house inquiry operates on the principle that judges should address complaints against their peers through an internal process, minimizing public scrutiny and protecting judicial reputation[3]. However, the in-house inquiry has faced significant criticism for its lack of transparency, statutory basis, and inadequate procedural safeguards[5]. The 2025 case of Justice Yashwant Varma exemplified these deficiencies. When Justice Varma's petition challenging the validity of the in-house inquiry procedure reached the Supreme Court on August 7, 2025, the Court upheld the legality of the process while acknowledging broader concerns about its opacity and lack of statutory backing[5]. This judgment has intensified the debate regarding whether the current in-house procedure provides adequate safeguards for both the accused judge and complainants.

The limitations of the current system include:

- **Absence of Statutory Framework:** The in-house inquiry procedure lacks explicit statutory authority, relying instead on court resolutions and unwritten conventions[5].
- **Limited Transparency:** Proceedings are conducted confidentially without public disclosure, creating perceptions of opacity[3].
- **Procedural Variability:** Absence of standardized procedures has resulted in inconsistent application across different judicial contexts[4].
- **Absence of External Oversight:** The process contains no mechanism for independent external review or oversight[7].

The Impeachment Process

The Constitution provides for the removal of Supreme Court and High Court judges through impeachment by Parliament (Articles 124 and 217). However, the impeachment process has been invoked rarely and remains an unwieldy mechanism. The threshold for impeachment—requiring a two-thirds majority of both houses of Parliament—is politically demanding and



makes impeachment a tool of last resort[2]. Moreover, impeachment is a political rather than judicial process, introducing concerns about political weaponization of removal procedures.

THE DIGITAL JUSTICE INITIATIVE AND E-COURTS PROJECT: ENHANCING TRANSPARENCY THROUGH TECHNOLOGY

Evolution of the e-Courts Project: From Phase I to Phase III

Recognizing that adjournments, delays, and case backlogs undermine both justice delivery and public confidence in the judiciary, the Supreme Court of India launched the e-Courts Project in 2005[6]. This transformative initiative seeks to create a technology-enabled, transparent, accessible, efficient, and accountable judicial system. The project operates in distinct phases:

Phase I and II (2005-2023): These phases focused on digitization of case records, establishment of infrastructure, deployment of case management systems, and creation of the National Judicial Data Grid (NJDG)[6]. Significant achievements include:

- Digitization of case records across district and taluka courts
- Deployment of the ecourts.gov.in portal, providing public access to case status and judgments
- More than 7 crore pending and disposed cases and 3.3 crore orders/judgments now accessible through the NJDG[6]
- Real-time case tracking for litigants, enhancing transparency and predictability
- E-filing capabilities in select courts, improving accessibility

Phase III (2024-2028): With Cabinet approval in December 2022, Phase III aims to advance the vision of "maximum ease of justice" through digital, online, and paperless courts[6]. Key objectives include:

- Complete digitization of legacy court records
- Universalization of e-filing and e-payment services across all court complexes
- Deployment of e-Sewa Kendras (e-Service Centers) for improving accessibility, particularly in remote areas
- Cloud-based infrastructure for enhanced efficiency and cost-effectiveness
- Integration of artificial intelligence-based applications for case management and judicial decision support[8]

Impact on Transparency and Accountability

The e-Courts Project has fundamentally altered the transparency landscape of Indian judiciary. Public access to case information, which was previously restricted and time-consuming to obtain, is now available in real-time through the NJDG portal[6]. This technological transformation offers several accountability benefits:

- **Public Monitoring:** Citizens can now monitor case progress, adjournments, and delays, creating external accountability[6].
- **Performance Data:** The NJDG enables systematic collection of data on case disposal rates, pendency, and judicial performance[3].
- **Reduced Arbitrariness:** Digitized case allocation and transparent scheduling reduce opportunities for case manipulation[4].



- **Judicial Efficiency Metrics:** Quantifiable performance indicators now exist for evaluating judicial productivity and efficiency[6].

Furthermore, AI-based applications developed under the e-Courts Project are beginning to assist in case management, prediction of judgment delivery timelines, and identification of cases suitable for alternative dispute resolution mechanisms[8].

CHALLENGES AND IMPLEMENTATION GAPS

Despite significant progress, the e-Courts Project faces implementation challenges that have limited its transformative potential:

- **Uneven Implementation:** Digitization remains incomplete in many district and subordinate courts, particularly in remote and underserved areas[9].
- **Infrastructure Gaps:** Inadequate funding, insufficient technical expertise among court staff, and variable technological capacity across courts have hampered implementation[3].
- **Digital Divide:** Exclusionary effects exist where marginalized communities with limited digital access cannot benefit from online court services[9].
- **Data Privacy Concerns:** Digitization of sensitive judicial records raises concerns regarding cybersecurity and personal data protection[4].
- **Integration Deficiencies:** Legacy systems in some courts lack compatibility with modern digital platforms[3].

CONTEMPORARY INSTITUTIONAL REFORMS AND GOVERNANCE FRAMEWORKS

National Mission for Justice Delivery and Legal Reforms (2011)

Recognizing the systemic challenges facing India's justice system, the Government of India established the National Mission for Justice Delivery and Legal Reforms in 2011[1]. This comprehensive initiative aims to:

- Reduce case backlogs and judicial delays through systematic planning
- Enhance accountability through structural changes and performance standards
- Improve access to justice for marginalized communities
- Strengthen alternative dispute resolution mechanisms
- Implement fast-track court systems for priority cases[10]

The National Mission represents a paradigm shift from reactive case management toward proactive systemic reform.

Fast Track Courts and Specialized Court Systems

Under the aegis of the 14th Finance Commission, the government has established Fast Track Courts (FTCs) to address the disproportionate burden on the regular court system[10]. These courts focus on specific categories including:

- Cases involving heinous crimes
- Cases involving senior citizens, women, and children
- Cases involving communal tensions and sensitive social issues



While Fast Track Courts have achieved measurable improvements in case disposal for priority categories, their success has highlighted the broader systemic pressures on the regular court infrastructure[10].

Legislative Measures for Decriminalization and Case Reduction

To reduce the judiciary's burden from minor offenses clogging the criminal justice system, the Government has undertaken legislative reforms. The Jan Vishwas (Amendment of Provisions) Act, 2023, decriminalized 183 provisions across 42 Central laws spanning 19 ministries/departments[10]. This legislative approach recognizes that judicial accountability is also enhanced when courts focus on serious matters rather than regulatory violations better addressed through civil or administrative mechanisms.

KEY DIMENSIONS OF JUDICIAL ACCOUNTABILITY

Transparency in Appointments and Transfers

Current System and Limitations: The Collegium system, while protecting appointments from political interference, operates with minimal transparency. Collegium resolutions are not consistently published, appointment criteria remain implicit rather than explicit, and reasoning for appointments is rarely disclosed[7].

Recommended Reforms: International and domestic experts recommend:

- Statutory backing for the judicial appointments body (whether retained as Collegium or modified to a Judicial Council) to ensure legal accountability[7]
- Publication of objective, predetermined criteria for selection based on competence, merit, ability, experience, and integrity
- Public disclosure of Collegium deliberations and the reasoning for appointment decisions
- Clear timeline-bound processes with appeal mechanisms[7]

Asset Disclosure and Financial Transparency

Current Status: Judges are currently expected to file asset declarations as per voluntary resolutions, but there is no statutory requirement for public disclosure[3]. This creates an opacity regarding potential conflicts of interest or unexplained assets.

Recommended Reforms:

- Statutory requirement for all judges (Supreme Court, High Court, and District Courts) to publicly declare assets, liabilities, income sources, and business interests[3]
- Mandatory disclosure for spouses and dependent family members
- Annual updated declarations to track changes
- Public accessibility of disclosures subject to privacy protections for sensitive personal information[3]

Code of Judicial Conduct and Ethical Standards

While the "Restatement of Values of Judicial Life" (1997) and subsequent Supreme Court resolutions provide ethical guidance, a comprehensive statutory Code of Judicial Conduct is absent[2]. Recommended reforms include:

- Enactment of a statutory Code of Judicial Conduct outlining ethical obligations, conflicts of interest, and behavioral expectations[2]



- Mandatory ethical training for all judges at appointment and periodic refresher training[3]
- Clear protocols for judges facing allegations of ethical violations
- Transparent publication of disciplinary actions and reasons (subject to due process protections)[3]

Right to Information and Administrative Transparency

The Right to Information (RTI) Act, 2005, while applicable to courts, has faced implementation challenges in the judiciary[3]. Judicial appointments, Collegium resolutions, and certain administrative decisions have been withheld from RTI disclosures under claims of confidentiality. Recent Supreme Court pronouncements have supported greater RTI transparency in the judiciary, recognizing that administrative decisions (distinct from judicial decisions) should be accessible to the public[3].

COMPARATIVE ANALYSIS: INTERNATIONAL JUDICIAL ACCOUNTABILITY STANDARDS

Common International Frameworks

Most democratic judiciaries operate under statutory judicial conduct codes, independent judicial conduct commissions, and transparent appointment procedures. Key international models include:

- **United States:** Federal judges operate under the Code of Conduct for United States Judges. Complaints are addressed by an independent Judicial Conference Commission[11].
- **United Kingdom:** The Judicial Conduct Investigations Office provides an independent mechanism for investigating complaints against judges[11].
- **Australia:** The Australian Judicial Conduct Commissioner operates as an independent statutory body with powers to investigate, hold hearings, and recommend disciplinary action[11].
- **Canada:** The Canadian Judicial Council, while composed of judges, operates under statutory authority with published procedures and reasons for decisions[11].

These systems demonstrate that judicial independence and judicial accountability are not mutually exclusive but are mutually reinforcing when proper institutional mechanisms exist[11].

Lessons for India

Comparative analysis reveals that effective judicial accountability systems share common elements:

- Statutory backing for accountability mechanisms, ensuring legal certainty and legitimacy[7]
- Independence from the executive while maintaining transparency to the public[11]
- Clear, published procedures and criteria for complaints investigation[11]
- Public accessibility of decisions and reasons (consistent with fair process)[11]
- Periodic review and updating of standards to reflect evolving ethical expectations[11]



CHALLENGES TO IMPLEMENTATION AND RESISTANCE FACTORS

Perceived Threats to Judicial Independence

Judges and judicial organizations have sometimes resisted enhanced transparency measures, arguing that they threaten judicial independence by exposing the judiciary to public criticism or political pressure[2]. However, this conflation of accountability with interference is problematic. Transparency regarding administrative decisions, asset declarations, and appointment criteria does not infringe on judicial independence in decision-making. Rather, such transparency strengthens independence by building public confidence and legitimacy.

Resource and Capacity Constraints

Implementing enhanced accountability mechanisms—including proper investigation of complaints, ethical training, and modern digital infrastructure—requires significant resources[3]. Many state judiciaries lack funding to support these initiatives adequately. The 2025-26 financial year saw Rs. 1123.40 crore released to States/UTs in the preceding year, but this allocation remains insufficient to address the comprehensive modernization needed[9].

Federal Structure and Coordination Challenges

India's federal structure creates coordination challenges. While the Supreme Court can establish standards and mechanisms for high courts, the implementation of accountability frameworks in district and subordinate courts depends on state governments and state judicial systems[2]. This coordination challenge has resulted in variable implementation across India.

THE PATH FORWARD: EVIDENCE-BASED RECOMMENDATIONS

Statutory Judicial Accountability Framework

Recommendation 1: Enact a Judicial Accountability and Conduct Act

The government should enact comprehensive legislation establishing:

- A statutory basis for judicial conduct standards and accountability mechanisms
- A Judicial Conduct Commission or similar independent body with statutory authority, judicial independence, and transparent procedures[7]
- Clear procedures for investigation, hearing, and disciplinary action
- Rights of accused judges to fair process, representation, and appeal[3]
- Public accessibility of findings and decisions, with limited exceptions for privacy and fair process[3]

This legislation should draw on international best practices while respecting India's constitutional framework of judicial independence[7].

Transparent Judicial Appointments Framework

Recommendation 2: Establish Transparent Appointment Procedures

- Codify objective criteria for judicial appointments (competence, integrity, experience, merit, social background diversity)
- Require publication of Collegium/appointment body resolutions with reasoning
- Establish time-bound processes with clear communication to candidates[7]
- Create appellate mechanisms for candidates to seek clarification on appointment decisions



- Conduct periodic external review of appointment procedures[7]

Digital Infrastructure Investment

Recommendation 3: Accelerated Implementation of e-Courts Phase III

- Substantially increase funding for Phase III implementation across all courts, particularly in underserved areas[6]
- Ensure equitable digital access through expanded e-Sewa Kendras (e-Service Centers) in rural and remote areas[6]
- Invest in cybersecurity infrastructure to protect judicial data[9]
- Deploy AI-based case management and judicial support systems while maintaining human decision-making authority[8]
- Establish clear data governance and privacy protocols[9]

Mandatory Asset Disclosure

Recommendation 4: Statutory Asset Declaration Requirements

- Enact legislation mandating annual public declaration of assets, liabilities, and income sources for all judges and their families
- Establish mechanisms for verification and compliance monitoring
- Create clear protocols for handling conflicts of interest
- Provide whistleblower protections for officials reporting non-compliance[3]

Ethical Training and Professional Development

Recommendation 5: Comprehensive Ethical Training Programs

- Establish mandatory ethical training at judicial appointment and periodic refresher training thereafter[3]
- Develop curricula addressing contemporary ethical challenges (digital ethics, algorithmic decision-making, social media conduct, etc.)
- Provide training on gender sensitivity, social inclusion, and constitutional rights[3]
- Create forums for ongoing ethical discussion and deliberation among judges[3]

Alternative Dispute Resolution Expansion

Recommendation 6: Strengthen ADR Mechanisms

Alternative dispute resolution mechanisms - mediation, arbitration, and conciliation can address many disputes more efficiently than adversarial litigation, reducing overall caseload[10]. Recommendations include:

- Expansion of legal aid-supported ADR services for marginalized communities
- Judicial encouragement of ADR through mandatory pre-litigation consultation in certain cases[10]
- Training of mediators and arbitrators in culturally appropriate dispute resolution[10]
- Integration of ADR outcomes into official judicial records for transparency[10]

CONCLUSION

Judicial accountability and transparency are essential for strengthening India's democratic legal system and can coexist with judicial independence through well-designed institutional frameworks. Initiatives such as the e-Courts Project have significantly improved transparency and efficiency, but must be supported by stronger mechanisms for appointments, conduct



oversight, and asset disclosure. Recent controversies highlight the need for a comprehensive statutory framework governing judicial accountability, in line with international best practices where independence and accountability reinforce each other. Key reforms include a Judicial Accountability and Conduct Act, transparent appointment processes, expanded digital infrastructure, mandatory asset declarations, ethics training, and wider use of ADR mechanisms. Coordinated efforts among all branches of government are required to ensure that transparency is effectively institutionalized and public confidence in the judiciary is strengthened.

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