

BEYOND REPROACH - JUDICIAL ACCOUNTABILITY, STRUCTURAL IMPUNITY, AND THE EROSION OF PUBLIC TRUST IN THE INDIAN JUDICIARY

Sanjeev Singh

IT Professional and Research Scholar.

ORCID: <https://orcid.org/0000-0002-4631-2646>

Email: sanjeevrajput@aim.com

Abstract

India's higher judiciary occupies a constitutionally sacrosanct position as guardian of fundamental rights, arbiter of the rule of law, and the principal institutional check on executive overreach. However, a sustained and documented pattern of misconduct allegations, parliamentary proceedings, official inquiry reports, and institutional responses recorded in the public domain over seven decades casts a persistent shadow over the institution's claim to unimpeachable probity. The present article examines, through the lens of parliamentary records, official inquiry committee reports, Supreme Court judgments, Central Bureau of Investigation filings, Law Commission Reports, and contemporaneous reporting by established legal publications, a series of cases involving judicially documented or formally investigated allegations of corruption, financial impropriety, asset misappropriation, land-grabbing, and abuse of the judicial office at the level of High Court and Supreme Court judges. Since India's Constitution came into effect 77 years ago, no one has successfully impeached, prosecuted, convicted, or imprisoned any judge of India's higher judiciary for corruption or misconduct committed during their judicial tenure. The article argues that structural constitutional design, the opacity of the collegium system, the procedural gap created when judges resign before inquiry proceedings conclude, and the political difficulties inherent in securing a special majority for parliamentary removal have cumulatively produced a near-total institutional immunity from legal accountability. This record, in turn, has led to a measurable and growing crisis of public trust in the institution that, paradoxically, serves as the final guarantor of justice for Indian citizens. The article does not assert guilt where courts have not established it; it instead records allegations, institutional responses, and outcomes, and asks why institutions have allowed a consistent pattern of outcomes favoring judges to persist, regardless of the severity of formally documented findings. The article further proposes a framework of reforms consistent with the preservation of judicial independence, drawing on Law Commission recommendations, parliamentary deliberations, and comparative constitutional experience, arguing that the ongoing conflation of independence with impunity has inflicted more lasting damage upon the institution's legitimacy than any external criticism could.

Keywords: Judicial Accountability; Judicial Impunity; Impeachment; Collegium System; Rule of Law; Judicial Independence; Misconduct; Constitutional Law; India; Public Trust; Undertrial Prisoners; Law Commission.

► *Corresponding Author: Sanjeev Singh*

I. Introduction - The Paradox of Unaccountable Guardians

A functioning constitutional democracy rests upon the foundational principle that no institution or individual is above the law that binds every citizen. India's Constitution of 1949 establishes the judiciary as an independent branch of government vested with the power of judicial review, the protection of fundamental rights under Part III, and the resolution of disputes between citizens and the State. The Supreme Court of India and the twenty-five High Courts constitute the 'higher judiciary', whose members enjoy security of tenure, substantial salaries charged on the Consolidated Fund of India, and extraordinary protection from removal, a protection designed, with sound constitutional reason, to insulate judges from political pressure and executive interference.

Nevertheless, this constitutional shield, intended to fortify judicial independence, has produced as an unintended but entirely foreseeable byproduct what several constitutional scholars, senior advocates, and even retired Supreme Court judges have described as near-total judicial immunity from criminal accountability.¹ In seventy-seven years of constitutional history, not a single judge of the Supreme Court or any High Court has been impeached, prosecuted, convicted, or imprisoned for acts of corruption or misconduct committed during judicial tenure. The institutional record is not one of pristine probity; it is one of systematic insulation from consequences.

This article presents a documented survey of allegations of misconduct against members of India's higher judiciary from 1947 to April 2026, drawing exclusively on parliamentary records, inquiry committee reports available in the public domain, official CBI filings, Law Commission Reports, Supreme Court judgments, and reporting by established legal publications including Bar & Bench, Live Law, The Leaflet, The Wire, Scroll.in, and the Supreme Court Observer. The article does not assert guilt where guilt has not been judicially established. It records allegations, institutional responses, and outcomes, and examines why the uniform pattern of outcomes in favor of judges, regardless of the severity of documented findings, has persisted for more than three quarters of a century.

In each case examined, the same institutional script recurs with remarkable consistency: allegations surface; an inquiry is constituted; findings adverse to the judge concerned are made or substantially supported; the inquiry is then terminated by resignation, political accommodation, or institutional management; and the judge departs without prosecution, conviction, or loss of retirement benefits. The cumulative effect of this pattern is not merely reputational damage in individual cases; it is the progressive delegitimization of the judicial institution as a whole and, most consequentially, the corrosion of public trust among the citizens who most depend upon it for the vindication of their constitutional rights.

This article does not seek to undermine judicial independence, which remains a cornerstone of constitutional Democracy. It seeks, rather, to distinguish independence from impunity — and to argue that the ongoing conflation of the two has done more damage to the institution's legitimacy than any external criticism could.

II. The Constitutional and Legal Architecture of Judicial Immunity

A. The Removal Mechanism - An Intentionally High Bar

Under Articles 124(4) and 124(5) of the Constitution of India, a judge of the Supreme Court may be removed by the President only upon an address by each House of Parliament supported by a special majority, an absolute majority of the total membership and at least two-thirds of members present and voting in the same session, and only on grounds of 'proved misbehaviour' or 'incapacity'.² Article 218 extends identical provisions to High Court judges. The Judges (Inquiry)

Act, 1968, regulates the procedure, requiring a three-member Inquiry Committee comprising a Supreme Court judge, a High Court Chief Justice, and an eminent jurist to investigate allegations before Parliament may act upon any motion for removal.³

The framers of the Constitution, acutely conscious of the dangers of executive interference with the judiciary during the colonial period and in the immediate post-independence period, deliberately erected a near-insurmountable procedural fortress around judicial tenure. The intention was laudable and constitutionally reasoned. In practice, the consequence has been that no judge has ever been successfully removed through this process. The constitutional mechanism has served as a floor below which accountability cannot fall, with no effective ceiling and no alternative institutional pathway substituting for it.

The Law Commission of India, in its 195th Report on the Judges (Inquiry) Bill, 2005, conducted an extensive comparative analysis of judicial accountability mechanisms across jurisdictions, including the United States, the United Kingdom, Canada, and Australia, finding that India's constitutional framework, while designed to protect independence, creates structural conditions that render accountability practically unavailable.⁴ The Commission noted, inter alia, that in several comparable democracies, preliminary investigation of allegations against judges does not require the same evidentiary threshold as the final removal motion, thereby enabling early intervention that India's framework does not contemplate.

B. The FIR Prohibition - A Judicially Self-Constructed Immunity

Compounding the constitutional protection is a judicially constructed rule not contained in any statute, not grounded in any provision of the Constitution that no First Information Report may be registered against a sitting judge of the Supreme Court or High Court without prior sanction from the Chief Justice of India.⁵ This principle, derived from orders of the Supreme Court, effectively places the criminal law process available to every other citizen of India practically unavailable against sitting members of the higher judiciary.

Senior constitutional advocates and legal commentators have argued that this self-granted immunity has no basis in the Constitution or in statute, and that it amounts to the judiciary exempting itself from the rule of law by judicial order, precisely the kind of overreach that Article 14's guarantee of equality before the law is designed to prohibit.⁶ No parliamentary enactment has been passed to confer this immunity; it exists solely by virtue of a court order protecting the court's own members, an arrangement that presents an obvious structural conflict of interest.

C. The 'In-House Procedure' - Confidential, Internal, and Inconclusive

Since 1999, following the Supreme Court's decision in *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee* [(1995) 5 SCC 457], complaints against judges of the higher judiciary are directed through an 'in-house procedure' established by the Supreme Court itself, which vests investigation in the Chief Justice of India and, ultimately, in the collegium.⁷ Proceedings under this procedure are confidential; findings are not published; and the only sanction available short of initiating the impeachment process is a request for voluntary resignation.

Parliamentary records demonstrate the operational inefficacy of this internal mechanism. Between 2017 and 2021 alone, the Supreme Court forwarded 1,631 complaints to High Court Chief Justices under the in-house procedure; none resulted in any publicized action, published finding, or formal removal recommendation.⁸ The complete absence of any documented outcome across 1,631 complaints over four years either reflects an extraordinary rate of meritless complaints or it reflects a structural disposition toward suppression of adverse findings, and neither interpretation supports public confidence in the mechanism.

III. A Documented Register of Misconduct Allegations since Independence

What follows is a case-by-case examination of documented, publicly recorded allegations against judges of India's higher judiciary since 1947. Each case is referenced to primary sources, including public-domain inquiry reports, official CBI filings, Supreme Court orders, and contemporaneous reporting by major established legal publications. Allegations are described as allegations where judicial findings have not been rendered. Where inquiry committee or parliamentary findings have been officially published or are in the parliamentary record, such findings are described as findings.

A. Justice V. Ramaswami (Supreme Court of India) - 1990–1994

The First Impeachment Attempt in Independent India

Justice Veeraswami Ramaswami was elevated to the Supreme Court of India on 6 October 1989, having previously served as Chief Justice of the Punjab and Haryana High Court.⁹ In 1990, media reports and subsequent investigations revealed a pattern of expenditure from public funds, specifically funds allocated to the official Chief Justice's residence in Chandigarh, that was vastly in excess of sanctioned budgets. Among the items reportedly charged to official accounts were furnishing, renovation, and upkeep costs at several multiples of the legitimate allocation, covering luxury carpets, bedsheets, towels, and household fittings.¹⁰

On 1 February 1991, the Supreme Court Bar Association passed a resolution calling for the removal of Justice Ramaswami from the bench. Chief Justice of India Sabyasachi Mukherjee took the unprecedented step of advising the judge to refrain from discharging judicial functions pending resolution of the matter. On 12 March 1991, Lok Sabha Speaker Rabi Ray admitted an impeachment motion and constituted a three-member Inquiry Committee comprising Justice P.B. Sawant of the Supreme Court as Chairman, Chief Justice P.D. Desai of the Bombay High Court, and former Supreme Court Justice O. Chinnappa Reddy as an eminent jurist.¹¹

The Inquiry Committee conducted hearings and examined evidence. Justice Ramaswami declined to appear before the committee. The committee ultimately found him guilty on eleven of fourteen charges, documenting willful and gross misuse of official position, intentional and habitual extravagance at the cost of the public exchequer, use of public funds for private purposes, and reckless disregard of statutory rules.¹² When the impeachment motion was put to a vote in the Lok Sabha on 10 May 1993, the Indian National Congress, the ruling party, directed its members to abstain. Of 401 members present, 196 voted in favor of removal, 205 abstained, and none voted against. The motion therefore failed to secure the requisite constitutional majority.¹³

Justice Ramaswami retired as scheduled on 14 February 1994 and was never prosecuted. The ruling party's decision to direct mass abstentions, functionally protecting a judge found guilty of financial misconduct by a duly constituted inquiry committee, drew sustained criticism from constitutional scholars, Bar associations, and civil society.¹⁴ The outcome established a template: an inquiry finding of misconduct, followed by political accommodation and the effective erasure of consequences.

B. The Ghaziabad Provident Fund Scam - 2008–2013

Theft of Employees' Retirement Savings and Judicial Beneficiaries

In February 2008, Ashutosh Asthana, a treasury officer at the Ghaziabad district court in Uttar Pradesh, was arrested on allegations of systematically misappropriating the provident fund contributions of Class III and Class IV court employees, among the most economically marginal workers in the judicial system, over a period from 2001 onwards. Before his death under disputed circumstances at Dasna District Jail in October 2009, Asthana made a statement before a judicial magistrate naming 33 judges as alleged beneficiaries of the misappropriated funds.¹⁵

The Supreme Court directed the CBI to investigate in September 2008. CBI findings, as detailed in a chargesheet filed in July 2010, established substantial documentary evidence of financial benefit flowing to multiple judicial officers. The chargesheet named six retired district judges, and the investigation records disclosed that three former judges of the Allahabad High Court were also identified in the evidentiary record.¹⁶ A sitting Supreme Court judge and two other former High Court judges were named in the primary accused's statement but were excluded from the chargesheet, a decision that attracted significant critical commentary from transparency advocates and former judges.¹⁵

In November 2013, a special CBI court framed charges of corruption, cheating, and forgery against six of the named retired district judges under the Prevention of Corruption Act, 1988, and relevant provisions of the Indian Penal Code.¹⁷ The accused were released on bail, and as of the publicly available record, no final conviction has been reported. The main accused died in custody; the investigation into the circumstances of his death has itself remained publicly unresolved.

When Outlook magazine published investigative reporting naming the judges involved, the Allahabad High Court initiated suo motu contempt proceedings against the journalists responsible. Those proceedings were eventually set aside by the Supreme Court in 2016. Justice Rohinton Nariman, writing for the court, observed that the public interest in exposing wrongdoing within the judiciary serves the very institutional values that contempt jurisdiction is designed to protect.¹⁸

C. Justice P.D. Dinakaran (Karnataka High Court / Sikkim High Court): 2009–2011

Sixteen Formal Charges Including Land-Grabbing, Benami Transactions, and Abuse of Office

In 2009, allegations were placed before the Bar Council of India and a Chennai-based lawyers' forum against Justice P.D. Dinakaran, then Chief Justice of the Karnataka High Court, at precisely the moment when the Supreme Court collegium had recommended his elevation to the Supreme Court. The allegations included unlawful acquisition of land in excess of Tamil Nadu land ceiling limits through family members and benami entities; establishment of companies to circumvent land reform legislation; disproportionate assets inconsistent with disclosed income; false documentation; fraudulent agricultural loans; and multiple instances of judicial impropriety.¹⁹

In December 2009, 75 members of Parliament signed a removal motion in the Rajya Sabha. The Rajya Sabha Chairman admitted the motion and constituted a three-member inquiry committee under the Judges (Inquiry) Act. The charges formally framed by the committee ultimately numbered sixteen and included: unlawful acquisition of over 199 acres of agricultural land through family members and benami entities; receipt of valuable property from persons likely to benefit from judicial decisions; fraudulent agricultural loans obtained in the names of shell companies; failure to file mandatory wealth tax returns; and accumulation of disproportionate assets.²⁰

Rather than appear before the inquiry committee, Justice Dinakaran challenged the committee's composition in the Supreme Court. His petition was dismissed, but on 29 July 2011, before the inquiry could proceed to findings, he resigned as Chief Justice of the Sikkim High Court to which he had been transferred pending proceedings, citing a 'lack of faith and confidence' in the inquiry process.¹⁹ An attempt to withdraw the resignation within days was rejected by the Union Law Ministry. The inquiry was discontinued upon his leaving office. A subsequent RTI response confirmed that Justice Dinakaran retained all post-retirement benefits, including pension, notwithstanding the sixteen unresolved charges.²¹

D. Justice Soumitra Sen (Calcutta High Court) - 2009–2011

The First and Only Impeachment Vote in Indian Parliamentary History

Justice Soumitra Sen of the Calcutta High Court was appointed as a court receiver in 1993 in a litigation involving the Steel Authority of India Limited and the Shipping Corporation of India. In

that capacity, he allegedly received Rs. 33,22,800 from the sale of disputed goods, deposited the proceeds into private accounts opened in his own name at ANZ Grindlays Bank and Allahabad Bank, diverted Rs. 24 lakh into shares of a company called Lynx India Limited in which he held an interest, and subsequently misrepresented the facts of these transactions to the Calcutta High Court when questioned.²²

An in-house committee of the Supreme Court found in 2007 that Justice Sen was 'not the kind of judge who should adorn the Bench', and the Chief Justice of India wrote to the Prime Minister in 2008 recommending the initiation of impeachment proceedings. In 2009, 58 members of the Rajya Sabha moved a formal motion to remove. A parliamentary Inquiry Committee comprising Supreme Court Justice B. Sudershan Reddy, Punjab and Haryana High Court Chief Justice Mukul Mudgal, and senior jurist Fali S. Nariman was constituted. The committee found that the charges of misappropriation and misrepresentation were 'duly proved', and that Justice Sen was 'guilty of misbehavior' within the meaning of Articles 124(4) and 217(1)(b) of the Constitution.²³

On 18 August 2011, the Rajya Sabha voted on the impeachment motion by 189 votes in favor and 17 against, the first and only occasion in Indian parliamentary history in which a House of Parliament has voted to remove a judge.²² Cross-party consensus was notably broad: BJP leader Arun Jaitley explicitly endorsed the motion on the merits as a constitutionally required assertion of parliamentary authority over demonstrated judicial misconduct. However, before the motion could be placed before the Lok Sabha for the second reading necessary to effect removal, Justice Sen resigned on 1 September 2011. The Lok Sabha proceedings were accordingly dropped as infructuous.²¹

A subsequent RTI inquiry, the response to which was made public in January 2012, confirmed that Justice Sen retained all post-retirement benefits, pension, gratuity, and entitlements notwithstanding that the Rajya Sabha had voted to remove him for proven misbehavior.²¹ The constitutional gap that permitted this outcome is not a matter of interpretation. There is simply no provision in the Constitution, the Judges (Inquiry) Act, or any other statute that authorizes the withdrawal of benefits from a judge who resigns while facing proved misconduct.

E. The 2017 Medical College Bribery Case

CBI Investigation Into Alleged Influence-Peddling at the Apex Court Level

On 19 September 2017, the Central Bureau of Investigation registered an FIR naming Ishrat Masroor Quddusi, a retired judge of the Allahabad, Orissa, and Chhattisgarh High Courts, and four others under Section 8 of the Prevention of Corruption Act, 1988, and Section 120-B of the Indian Penal Code.²⁴ The allegations, founded on intercepted communications reviewed by the CBI, were that a conspiracy had been arranged to secure favorable orders from the Supreme Court in a case involving the Prasad Education Trust of Lucknow, whose affiliated medical college had been denied recognition by the Medical Council of India.

The CBI reportedly recovered Rs. 2 crore during searches and alleged that a paid middleman had been engaged to influence judicial outcomes at the apex court level.²⁵ Senior advocates Prashant Bhushan and Kamini Jaiswal, on behalf of the Campaign for Judicial Accountability and Reforms, filed petitions in the Supreme Court seeking an independent Special Investigation Team to examine the allegations, specifically requesting in light of Chief Justice Dipak Misra's prior connection as the bench head in the Prasad Education Trust matter that the Chief Justice be excluded from the Constitution Bench examining the petition.²⁴

What followed was widely characterized in legal scholarship and press commentary as an institutional crisis. A bench headed by Justice J. Chelameswar referred the matter to a Constitution Bench of the five senior-most judges. In an extraordinary move the following day, Chief Justice

Misra constituted a separate five-judge Constitution Bench that nullified Justice Chelameswar's order, asserting the Chief Justice's exclusive authority as 'master of the roster' to determine bench composition.²⁶ The subsequently constituted bench dismissed the petitions seeking an SIT investigation, imposed costs of Rs. 25 lakh on the Campaign for Judicial Accountability and Reforms costs that were later condoned and characterized the relief sought as an 'attempt to scandalize the court'.²⁷

The institutional consequence of the court's response was to terminate external scrutiny of the bribery allegation before the CBI had filed a chargesheet, before any independent examination of evidence had occurred, and by an order of a bench that included the judge whose own conduct formed part of the subject matter of the petition. The Wire's legal correspondent observed, in coverage that remains on the public record, that the judgment left open the fundamental question of which investigator would dare investigate the material, if any, against the judges implicated.²⁸

F. The 2018 Supreme Court Constitutional Crisis

Four Senior Judges Issue Public Warning That Democracy Is in Danger

On 12 January 2018, in an event unprecedented in the modern history of any apex court in the world, four of the five most senior judges of the Supreme Court of India Justices Jasti Chelameswar, Ranjan Gogoi, Madan B. Lokur, and Kurian Joseph held a press conference at Justice Chelameswar's residence in New Delhi and publicly stated that the administration of the Supreme Court was 'not in order'.²⁹

The judges released a letter addressed to Chief Justice Dipak Misra, in which they alleged that the assignment of sensitive cases to particular benches violated established convention, that matters of constitutional importance were being allocated to junior judges, bypassing available senior judges, and that they had made private representations to the Chief Justice over the preceding months without result. They expressed particular concern about the allocation to a non-seniority bench of the case concerning the death in 2014 of Special CBI Judge B.H. Loya, who had been presiding over the Sohrabuddin Sheikh fake encounter case in which then-BJP National President Amit Shah was a named accused.³⁰

"Unless this institution is preserved and it maintains its equanimity, democracy will not survive in this country." Justice J. Chelameswar, 12 January 2018.³¹

The four judges stated that they had found it necessary to alert the citizenry because internal accountability mechanisms had been exhausted without result, and that they did not wish to be blamed twenty years hence for having 'sold their souls'. When asked whether they sought the impeachment of the Chief Justice, Justice Chelameswar responded: 'Let the nation decide.' The institutional significance of the event cannot be overstated: it was the senior judiciary itself, not external critics, that formally and publicly declared the administration of India's highest court to be structurally compromised. The allegations concerning case allocation were never independently adjudicated.³²

G. The First Impeachment Motion against a Sitting Chief Justice of India - 2018

In March 2018, sixty-four opposition members of the Rajya Sabha submitted a notice of impeachment motion against Chief Justice Dipak Misra on grounds including the alleged misuse of the master-of-the-roster power to influence case allocation, a land acquisition transaction during his time as a Patna High Court judge that raised questions of propriety, and matters arising from the medical college bribery proceedings.¹⁴ The motion was rejected at the preliminary stage by Rajya Sabha Chairman Venkaiah Naidu, who held it to be 'not admissible,' a decision that itself had no precedent in the constitutional history of the office.¹³

This was the first occasion in Indian history that an impeachment motion had been initiated against a sitting Chief Justice of India. The rejection at the admission stage without constituting an inquiry committee, without examining the merits, and without any formal record of reasoned adjudication meant that the allegations, whatever their ultimate foundation, received no institutional examination of any kind.

H. Justice Yashwant Varma (Delhi High Court / Allahabad High Court) - 2025–2026

Currency Notes Found at an Official Judicial Residence

On the night of 14 March 2025, a fire broke out at 30 Tughlak Crescent, New Delhi, the official residence assigned to Justice Yashwant Varma of the Delhi High Court. Delhi Fire Services personnel who responded to the fire made video recordings on their devices showing what appeared to be large quantities of burnt and partially burnt Indian currency notes, denominated in Rs. 500, in a storeroom within the residential premises.³³ The videos circulated rapidly on social media and prompted immediate institutional response.

Chief Justice of India Sanjiv Khanna initiated an in-house inquiry on 22 March 2025, suspended Justice Varma's judicial assignments, and constituted a three-member committee. The committee examined 55 witnesses over ten days and reviewed CCTV footage, photographs, contemporaneous fire service records, and forensic material. On 3 May 2025, the committee submitted a 64-page report concluding: that cash had been found in the storeroom within the premises officially occupied by Justice Varma; that access to the storeroom was 'under the covert or active control of Justice Varma and his family members'; and that, by way of strong inferential evidence, it was established that the burnt cash was removed from the storeroom during the early hours of 15 March 2025.³⁴ The committee further found that the evidence collectively established misconduct 'serious enough to call for initiation of proceedings for removal'.³⁴

Justice Varma denied the allegations and refused to resign when requested by Chief Justice Khanna. The CJI subsequently wrote to the President and Prime Minister recommending that impeachment proceedings be initiated. Justice Varma was transferred from the Delhi High Court to the Allahabad High Court in April 2025 and stripped of judicial work. On 12 August 2025, Lok Sabha Speaker Om Birla constituted a three-member parliamentary Inquiry Committee under the Judges (Inquiry) Act, comprising Justice Aravind Kumar of the Supreme Court, Chief Justice Maninder Mohan of the Madras High Court, and senior advocate B.V. Acharaya. The impeachment motion was supported by 146 Members of Parliament, including the Leader of the Opposition.³⁵

Justice Varma challenged the Constitution of the committee before the Supreme Court; his petition was dismissed by a bench of Justices Dipankar Datta and Satish Chandra Sharma.³⁵ On 10 April 2026, days before the inquiry committee was scheduled to commence substantive hearings, Justice Varma submitted his resignation to President Droupadi Murmu with immediate effect. In a 13-page letter, he alleged that the proceedings had been 'unfair, one-sided and based on presumptions' rather than evidence, maintained that no cash had been placed in the storeroom at his instance, and stated that the statutory fire report, which he asserted made no mention of cash had been excluded from the inquiry record without explanation.³⁶

With his resignation, the inquiry under the Judges (Inquiry) Act stood abated by operation of established institutional practice: such proceedings can only continue against a sitting judge.³⁷ Justice Varma is expected to retain his post-retirement benefits as a matter of the same constitutional and statutory gap documented in the Dinakaran and Sen cases. The outcome follows, with near-identical institutional choreography, the template established by each of those predecessors.²¹

IV. The Structural Defects That Institutionalise Impunity

A. The Resignation Loophole

The most consequential structural gap in India's judicial accountability framework is the absence of any statutory provision that survives a judge's resignation from office. Once a judge resigns, however severe the allegations, however advanced the proceedings, however explicit the inquiry findings, the inquiry lapses; criminal proceedings remain practically foreclosed by the sanction requirement, and retirement benefits are entirely unaffected. The RTI disclosures following the Dinakaran and Sen episodes explicitly confirmed this consequence: both judges retained full post-retirement entitlements following departures timed to precede the conclusion of formal proceedings.²¹

The net legal effect is that a strategically timed resignation, calibrated to precede the conclusion of inquiry committee hearings, functions in practice as a complete institutional discharge more protective than any formal acquittal. The incentive structure thereby created is precisely the inverse of accountability: the more serious the evidence against a judge, the stronger the incentive to resign before findings are formalized, because an early resignation forecloses all adverse consequences, whereas a completed inquiry leaves open at least the theoretical possibility of criminal referral.

B. The Collegium's Dual Role

The collegium system, a judicially created convention under which the senior-most judges of the Supreme Court collectively control judicial appointments and transfers, as affirmed by the Supreme Court in *Supreme Court Advocates-on-Record Association v. Union of India* [(2016) 5 SCC 1], was designed to insulate the appointment process from executive interference and political pressure.³⁸ Its unintended consequence has been to create a structure in which the same body responsible for appointing judges is also responsible for investigating them under the in-house procedure.

Former Supreme Court Justice Ruma Pal, in a widely cited address delivered in November 2011, catalogued what she described as the 'seven sins' of India's higher judiciary, listing among them: turning a blind eye to the injudicious conduct of a colleague; hypocrisy in the distortion of the concept of judicial independence; and secrecy in the appointment process.³⁹ Justice Pal's characterisation was not that of an external critic; it was that of a former member of the institution, speaking from within the shared experience of collegial governance.

Only approximately 13% of High Court judges had voluntarily disclosed their assets as of the period examined by the parliamentary Standing Committee on Law and Justice in its deliberations on the proposed Judicial Standards and Accountability Bill, 2010.⁴⁰ The bill would have required mandatory public asset disclosure and established an independent judicial oversight committee with powers of investigation. It was passed by the Lok Sabha but lapsed in the Rajya Sabha and has never been revived as an enacted law.

C. Case Backlogs, Undertrial Imprisonment, and the Differential Impact on Vulnerable Citizens

As of 2024, the National Judicial Data Grid recorded over 4.5 crore cases pending in district courts alone, with approximately 30% of criminal matters pending for more than five years.⁴¹ India's prison population presents a particularly acute dimension of the institutional failure: as documented in *Prison Statistics India 2022*, published by the National Crime Records Bureau of the Government of India, 4,34,302 of India's 5,73,220 prisoners were undertrial detainees, persons imprisoned without conviction, awaiting trial, constituting approximately 76% of the total prison population.⁴²

The human cost is disproportionately borne by those least equipped to bear it. India has approximately 21 judges per million population against the Law Commission's recommended ratio of 50, and subordinate courts carry vacancy rates of 20–25% of sanctioned strength.⁴¹ For an undertrial from a marginalized community, unable to furnish financial sureties or access competent legal representation, the wait for trial can and routinely does exceed the maximum sentence that conviction would have carried. The same institution, structurally insulated from accountability for its own conduct, is the one to which these citizens must direct their appeals for justice.

V. The Growing Crisis of Public Trust

The institutional consequences of documented impunity are not merely abstract; they manifest in observable and measurable deterioration of public trust in the judiciary as a legitimate institution. The question posed by growing sections of Indian civil society, whether the judiciary effectively operates above the law it administers, is not a rhetorical device or an expression of populist cynicism; it reflects a rational inference from the observable institutional record over seventy-seven years.⁴³

The 2018 press conference of four Supreme Court judges was itself the most authoritative possible testimony to institutional distrust not of the judiciary from without, but of the judiciary's administration from within. When the four most senior puisne judges of India's Supreme Court found it necessary to alert the nation's citizens that Democracy itself was in peril by reason of their own institution's internal governance, the communicative content was unambiguous: internal accountability mechanisms had failed, and the failure was of sufficient gravity that public intervention was required.³²

In each of the cases examined in this article, Ramaswami, the Ghaziabad Provident Fund scam, Dinakaran, Soumitra Sen, the 2017 medical college bribery matter, and Varma, the same pattern recurs: allegations are made and investigated; formal findings adverse to the judge concerned are made or substantially evidenced; institutional management of the episode then minimises formal consequences; and the judge departs without prosecution, conviction, or loss of benefits. The cumulative pattern, repeated across seven decades and across different governments, political formations, and Chief Justices, creates a systemic inference that is qualitatively different from any individual case of alleged impropriety.

In February 2026, the Supreme Court took suo motu cognizance of content in an NCERT Class 8 social science textbook that discussed structural challenges in the judiciary and directed that the chapter be examined.⁸ The public response to this development, widely noted in legal commentary, was that an institution that has responded to documented misconduct by its own members primarily through suppression of proceedings had, in seeking to limit educational discussion of those documented patterns, confirmed precisely the institutional disposition that citizens had found most cause for concern.

The perception of institutional impunity is amplified, rather than corrected, by the observation that those who have publicly raised concerns about judicial accountability have faced institutional consequences. The imposition of Rs. 25 lakh costs on the Campaign for Judicial Accountability and Reforms in the 2017 medical college bribery case, later reversed²⁷, and the initiation of contempt proceedings against journalists who published reporting on the Ghaziabad Provident Fund scam, also subsequently set aside¹⁸, were institutional responses that confirmed rather than dispelled the concern they were designed to suppress.

VI. Proposed Reforms: Toward Independence with Accountability

The argument made in this article does not require choosing between judicial independence and judicial accountability. Every mature constitutional Democracy has resolved this tension through institutional design, as demonstrated by the judicial oversight frameworks in the United Kingdom, Canada, and Australia. The following reforms, several of which have been recommended by Law Commission Reports, parliamentary committee deliberations, and senior constitutional practitioners over several decades, merit urgent consideration:

Statutory Independent Judicial Oversight Commission: An independent statutory commission, modeled on analogous bodies in comparable constitutional democracies, with members drawn from outside the judiciary, should be established by parliamentary legislation, with the power to receive complaints against judges, conduct preliminary and plenary investigations, and make public recommendations for action. Such a commission must not be subordinate to the Chief Justice or to the collegium. The proposed Judicial Standards and Accountability Bill, 2010, offered a preliminary framework; its lapse requires substantive legislative response.⁴⁰

Mandatory and Public Asset Disclosure: Annual public disclosure of assets, liabilities, and financial interests by all Supreme Court and High Court judges should be made mandatory by statute. The existing voluntary system, under which only approximately 13% of High Court judges disclosed assets as of the available data, is inconsistent with the mandatory disclosure obligations imposed by statute on legislators, senior civil servants, and election candidates.⁴⁰

Amendment to Prevent the Resignation Loophole: The Judges (Inquiry) Act, 1968, should be amended by Parliament to provide that inquiry proceedings do not abate upon the resignation of a judge, and that judges who resign while facing formally evidenced misconduct findings do not retain post-retirement benefits. The present arrangement creates a structural incentive for strategic resignation that is incompatible with accountability.³

Reconsideration of the Special Majority Threshold: The constitutional requirement of a two-thirds majority of members present and voting, which has rendered the impeachment mechanism practically unavailable for seventy-seven years without a single successful removal, should be considered for amendment. A mechanism that has never once operated in the intended direction is a mechanism that has, in practice, ceased to function as a constitutional safeguard.⁴⁴

Transparency in Collegium Proceedings: The collegium's deliberations on appointments and transfers should be subject to documented reasoning, published in the public domain. The Supreme Court has made partial steps in this direction since 2018; statutory enforcement of the transparency obligation is required for the institutional commitment to be durable.³⁸

Lokpal Jurisdiction: The Lokpal and Lokayuktas Act, 2013, should be amended by Parliament to vest explicit jurisdiction in the Lokpal to receive and investigate allegations of corruption against sitting and retired judges of the higher judiciary, with procedural safeguards sufficient to protect against frivolous or politically motivated complaints.

VII. Conclusion

The Indian judiciary is not a monolith of corruption. The vast majority of India's judges, including thousands of district and High Court judges and dozens of Supreme Court justices, have discharged their responsibilities with integrity, learning, and often courage over seven decades. India's constitutional jurisprudence, developed over those decades, is a testament to the bench's intellectual and institutional quality at its best.

It is precisely because of what the judiciary is capable of being that what it has allowed itself to become in the specific domain of self-accountability is so consequential. An institution that has

produced landmark decisions expanding the scope of fundamental rights while simultaneously ensuring that its own members face no meaningful consequences for financial corruption or abuse of office is in a profound internal contradiction, a contradiction its own senior members have, as documented above, publicly acknowledged.

The seven decades of documented cases examined in this article do not establish that the Indian judiciary is uniformly or even predominantly corrupt. They establish, rather, that the structural framework governing judicial accountability has been designed, whether by intention or by institutional evolution, to prevent any consequence from following upon even the most clearly evidenced findings of misconduct. The resign-and-retain pattern documented in the Dinakaran, Sen, and Varma cases is not an anomaly; it is the predictable, recurring outcome of a framework in which the incentive structure consistently favors strategic exit over accountability.

The question posed in the title of this article, whether India's judiciary is 'beyond reproach', is intended to carry both its conventional and its literal sense. The judiciary ought to be, in its conduct, genuinely beyond reproach. Instead, seventy-seven years of near-total institutional immunity from the consequences of formally documented misconduct have made it structurally 'beyond reproach' in the quite different, and more damaging, sense: beyond the reach of correction, consequences, or institutional redress.

As Justice Chelameswar warned from his own institution's doorstep on 12 January 2018, unless the Supreme Court institution is preserved and maintains its integrity, Democracy will not survive. The preservation he called for begins with the recognition that no institution, not even the one charged with enforcing the Constitution, can sustain public legitimacy while remaining beyond the reach of the law it administers.

References and Citations

1. Jurist, 'Judging the Judges: Reimagining India's Judicial Impeachment Process After the Delhi HC Corruption Scandal', Commentary, May 2025. <https://www.jurist.org/commentary/2025/05/judging-the-judges-reimagining-indias-judicial-impeachment-process-after-the-delhi-hc-corruption-scandal/>
2. Constitution of India, Articles 124(4), 124(5), 218. Ministry of Law and Justice, Government of India. <https://legislative.gov.in/constitution-of-india/>
3. Judges (Inquiry) Act, 1968. India Code, Ministry of Law and Justice. <https://www.indiacode.nic.in/handle/123456789/1577>
4. Law Commission of India, 195th Report on the Judges (Inquiry) Bill, 2005. <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081013-1.pdf>
5. Scroll.in, 'Explainer: What Happened in the Supreme Court on Friday and What Is the MCI Bribery Case?', 10 November 2017. <https://scroll.in/article/857423/explainer-what-happened-in-the-supreme-court-on-friday-and-what-is-the-mci-bribery-case>
6. The Wire, 'Supreme Court Judgment in Medical College Bribery Case Will Remain Under a Cloud', 20 November 2017. <https://thewire.in/law/supreme-court-medical-college-bribery-case-cji>
7. C. Ravichandran Iyer v. Justice A.M. Bhattacharjee, (1995) 5 SCC 457. Indian Kanoon. <https://indiankanoon.org/doc/1815371/>
8. Inventiva, 'So, NCERT Was Respectfully Right About Corruption in Judiciary! Will the Supreme Court Introspect?', April 2026. <https://www.inventiva.co.in/trends/so-ncert-was-respectfully-right-about-corruption-in-judiciary/>

9. Law Chakra, 'Luxury, Carpets, Scandal and Justice: The Controversial Impeachment of Justice V. Ramaswami', March 2025. <https://lawchakra.in/blog/luxury-justice-impeachment-v-ramaswami/>
10. The Wire, 'Carpets, Bedsheets, Towels and Intrigue: The Story of Justice V. Ramaswami's Impeachment', 22 July 2020. <https://thewire.in/law/justice-v-ramaswami-impeachment-lok-sabha-kapil-sibal-supreme-court>
11. Sarojini Ramaswami v. Union of India & Ors., (1992) 4 SCC 506, Supreme Court of India. Indian Kanoon. <https://indiankanoon.org/doc/162253/>
12. OpIndia, 'Justice V. Ramaswami: The First Indian Judge to Face Impeachment in Parliament', March 2025. <https://www.opindia.com/2025/03/read-about-justice-v-ramaswami-who-became-the-first-indian-judge-to-face-impeachment-motion-in-the-parliament-of-india/>
13. Supreme Court Observer, 'Number of Times Impeachment Proceedings Were Initiated Against an SC or HC Judge', updated April 2025. <https://www.scobserver.in/journal/number-of-times-impeachment-proceedings-were-initiated-against-a-supreme-court-or-high-court-judge/>
14. PMF IAS, 'Removal of Judges in India', July 2025. <https://www.pmfias.com/removal-of-judges-in-india/>
15. Outlook India, 'Courting a Quiet Burial?', 2010. <https://www.outlookindia.com/national/courting-a-quiet-burial-news-266349>
16. India TV News, 'Provident Fund Scam: 3 Ex-HC Judges Named', 4 July 2010. <https://www.indiatvnews.com/news/india/provident-fund-scam-3-ex-hc-judges-named-3730.html>
17. Business Standard, 'CBI Court Frames Charges Against 6 Retired Judges in PF Scam', 27 November 2013. https://www.business-standard.com/article/current-affairs/cbi-court-frames-charges-against-6-retired-judges-in-pf-scam-113112700583_1.html
18. The Wire, 'Supreme Court Sets Aside Allahabad HC Contempt Proceedings Against Outlook Journalists', July 2016. <https://thewire.in/law/supreme-court-sets-aside-allahabad-high-courts-contempt-proceedings-against-outlook-journalists>
19. Economic and Political Weekly, 'Dinakaran's Resignation', Vol. 46, Issue 33, 13 August 2011. <https://www.epw.in/journal/2011/33/editorials/dinakarans-resignation.html>
20. P.D. Dinakaran v. Judges Inquiry Committee & Anr., Writ Petition (Civil) No. 218 of 2011, Supreme Court of India. Indian Kanoon. <https://indiankanoon.org/doc/593706/>
21. Bar & Bench, 'Justice Yashwant Varma's Resignation Before Impeachment Third in Indian History', April 2026. <https://www.barandbench.com/news/justice-yashwant-varmas-resignation-before-impeachment-third-in-indian-history>
22. GKToday, 'Impeachment of Justice Soumitra Sen'. <https://www.gktoday.in/impeachment-of-justice-soumitra-sen/>
23. H.K. Dua, 'Justice Soumitra Sen — The Rajya Sabha Debate', 2011. <http://www.hkdua.in/tag/2011/>
24. Scroll.in, 'Explainer: What Happened in the Supreme Court on Friday and What Is the MCI Bribery Case?', 10 November 2017. <https://scroll.in/article/857423/explainer-what-happened-in-the-supreme-court-on-friday-and-what-is-the-mci-bribery-case>
25. Daily O, 'Judges Bribery Case: Has Supreme Court Damaged Its Reputation?', November 2017. <https://www.dailyo.in/politics/supreme-court-judges-bribery-case-prashant-bhushan-justice-chelameswar-justice-dipak-misra-20610>
26. India.com, 'Supreme Court Witnesses Drama During Lucknow Medical College Bribery Hearing', 11 November 2017. <https://www.india.com/news/india/supreme-court-witnesses->

- [drama-during-lucknow-medical-college-bribery-hearing-cji-dipak-misra-annuls-order-passed-by-2-judges-2622729/](#)
27. Live Law, 'Medical College Bribery Case: Supreme Court Condone Delay in Paying Cost of Rs 25 Lakhs Imposed on CJAR', January 2021. <https://www.livelaw.in/top-stories/supreme-court-cjar-medical-college-bribery-scam-condone-delay-cost-168623>
28. The Wire, 'Supreme Court Judgment in Medical College Bribery Case Will Remain Under a Cloud', 20 November 2017. <https://thewire.in/law/supreme-court-medical-college-bribery-case-cji>
29. Scroll.in, 'Democracy Is in Danger: Watch the Historic Press Conference Held by Four Supreme Court Judges', 12 January 2018. <https://scroll.in/video/864863/democracy-is-in-danger-watch-the-historic-press-conference-held-by-four-supreme-court-judges>
30. The News Minute, 'Rebellion at the Supreme Court: 4 Judges Led by Justice Chelameswar Take on CJT', January 2018. <https://www.thenewsminute.com/news/rebellion-supreme-court-4-judges-led-justice-chelameswar-take-cji-74613>
31. Al Jazeera English, 'India's Supreme Court Judges Lash Out at Chief Justice', 12 January 2018. <https://www.aljazeera.com/news/2018/1/12/supreme-court-judges-lash-out-at-chief-justice>
32. Live Law, '5th Anniversary of Supreme Court Judges' Press Conference: What Has Changed and What Has Not', 13 January 2023. <https://www.livelaw.in/columns/fifth-anniversary-of-four-supreme-court-judges-press-conference-what-has-changed-and-what-has-not-218846>
33. Business Today, 'Probe Panels, Impeachment Bid: Justice Yashwant Varma Resigns Amid Cash Recovery Row', April 2026. <https://www.businesstoday.in/india/story/probe-panels-impeachment-bid-justice-yashwant-varma-resigns-amid-cash-recovery-row-525051-2026-04-10>
34. The Leaflet, 'Breaking: Justice Varma Probe Report', May 2025. <https://theleaflet.in/leaflet-reports/breaking-on-the-leaflet-justice-varma-probe-report>
35. Gulf News, 'India Burnt Cash Case: Justice Varma Exits Inquiry, Resigns', April 2026. <https://gulfnnews.com/world/asia/india/india-burnt-cash-case-justice-varma-exits-inquiry-resigns-1.500502820>
36. The Print, 'History Will Record Unfairness — What Justice Yashwant Varma Wrote in Letter to Judges Inquiry Panel', April 2026. <https://theprint.in/judiciary/history-will-record-unfairness-what-justice-yashwant-varma-wrote-in-resignation-letter-amid-cash-probe/2901583/>
37. The Leaflet, 'Justice Yashwant Varma Has Resigned', April 2026. <https://theleaflet.in/leaflet-reports/justice-yashwant-varma-has-resigned>
38. Supreme Court Advocates-on-Record Association v. Union of India (NJAC Case), (2016) 5 SCC 1. Indian Kanoon. <https://indiankanoon.org/doc/116293974/>
39. Inventiva, 'So, NCERT Was Respectfully Right About Corruption in Judiciary', April 2026 (citing Justice Ruma Pal's November 2011 address on judicial accountability). <https://www.inventiva.co.in/trends/so-ncert-was-respectfully-right-about-corruption-in-judiciary/>
40. Judicial Standards and Accountability Bill, 2010. PRS Legislative Research. Bill text and parliamentary committee deliberations. https://prsindia.org/files/bills_acts/bills_parliament/2010/bill112_2010_Judicial_Standards_and_Accountability_Bill_2010.pdf
41. IMPRI Impact and Policy Research Institute, 'Imprisoned Without Conviction: India's Undertrial Crisis and the Urgency of Reform', April 2026. <https://www.impriindia.com/insights/imprisoned-without-conviction-indias-undertrial-crisis-and-the-urgency-of-reform/>

42. National Crime Records Bureau, Government of India, Prison Statistics India 2022. <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/PSI2022.pdf>
43. Drishti Judiciary, 'Justice Yashwant Varma Case', May 2025. <https://www.drishtijudiciary.com/editorial/justice-yashwant-varma-case>
44. Drishti IAS, 'Impeachment of Judges in India'. <https://www.drishtias.com/daily-updates/daily-news-analysis/impeachment-of-judges-in-india>