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EDITORIAL ANALYSIS

Judicial Accountability – Anti-Corruption Laws and the Case for Structural Reform

 **INDIAN EXPRESS**

21 March 2026

SUBJECTS COVERED**POLITY****GS PAPERS****GS2****GS4****CURATED & WRITTEN BY****Bharat Choudhary**

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The Indian Express

21 March 2026

GS2

GS4

IE

The Indian Express

MAINS RELEVANCE:

GS Paper 2

GS Paper 4



INTERVIEW ANGLE

"Should judges be subject to the same anti-corruption laws as other public servants, or does judicial independence require a separate accountability mechanism?"

WHY IN NEWS

The Indian Express editorial, in the context of the NCERT textbook controversy, examines the broader question of judicial accountability – arguing that the judiciary is not immune to criticism, and meaningful reform requires structural change, not suppression of scrutiny. It references the K. Veeraswami judgment and the Bangalore Principles of Judicial Conduct.

THE CORE ARGUMENT

The editorial argues that while judicial independence is a cornerstone of constitutional democracy, it cannot be conflated with **judicial unaccountability**. Three key tensions are examined:

1. Independence vs Accountability

Principle	What It Means	Risk If Taken Too Far
Judicial independence	Judges decide cases free from executive/legislative pressure	If absolutised, it shields judges from all scrutiny – even for misconduct
Judicial accountability	Judges are answerable for conduct and integrity	If poorly designed, it can be used to intimidate judges into executive compliance

The editorial argues that the two are **complementary, not contradictory** – a judiciary that refuses accountability ultimately undermines its own independence by eroding public trust.

K. VEERASWAMI V. UNION OF INDIA (1991)

This landmark **five-judge Constitution Bench** decision addressed whether judges fall within the scope of anti-corruption law:

KEY HOLDINGS

Judges are “**public servants**” within the meaning of the **Prevention of Corruption Act, 1988** — they are not exempt

However, the Court imposed a **procedural safeguard**: no criminal case can be registered against a sitting High Court or Supreme Court judge without the **consent of the Chief Justice of India**

This “CJI consent” requirement was meant to prevent frivolous or politically motivated cases — but critics argue it has become a **de facto shield** against any prosecution

THE CRITICISM

The CJI consent requirement is **extra-statutory** — it is not found in the Prevention of Corruption Act itself

It creates a situation where the **head of the judiciary decides whether a member of the judiciary can be investigated** — a conflict of interest

No sitting judge has ever been convicted under anti-corruption law in India

BANGALORE PRINCIPLES OF JUDICIAL CONDUCT (2002)

The **Bangalore Principles** are an internationally recognised framework for judicial ethics, adopted by the **UN Economic and Social Council**:

Principle	Description
Independence	The judiciary shall decide matters independently, free from external influences
Impartiality	Judges shall perform duties without favour, bias, or prejudice
Integrity	Conduct must be above reproach in the view of a reasonable observer
Propriety	Avoid impropriety and the appearance of impropriety in all activities
Equality	Ensure equal treatment of all persons before the court
Competence and Diligence	Devote professional activity to judicial duties; decide matters promptly

The editorial notes that India’s judiciary has **endorsed** these principles but lacks a **binding domestic code of conduct** for judges.

ACCOUNTABILITY MECHANISMS — CURRENT FRAMEWORK

Mechanism	Details	Effectiveness
Impeachment (Art. 124(4), 217(1)(b))	Removal by Parliament — requires special majority in both Houses	Used only once (Justice V. Ramaswami, 1993 — motion failed); practically impossible
In-house procedure (1999)	CJI-led committee investigates complaints against judges; can recommend resignation	Non-statutory; opaque; no public disclosure of proceedings
Judicial Standards and Accountability Bill, 2010	Proposed statutory mechanism; asset declaration; investigation panels	Lapsed; never enacted
Contempt power	Courts can punish criticism as contempt	Tends to suppress accountability rather than enable it

THE EDITORIAL'S RECOMMENDATIONS

Revive the Judicial Standards Bill — create a statutory accountability mechanism with independent investigation powers

Mandatory asset declaration — judges should publicly declare assets (as in South Africa's Judicial Service Commission model)

Binding code of conduct — adopt the Bangalore Principles as a enforceable code, not just aspirational guidelines

Reform the Collegium — the opaque appointment process (Collegium system, post-Second Judges Case 1993) undermines accountability from the point of selection

Protect the right to criticise — defamation and contempt powers should not be used to silence legitimate public discourse about judicial performance

ETHICS DIMENSION (GS4)

The editorial raises fundamental ethical questions:

Institutional self-interest vs public interest — when institutions prioritise their own dignity over accountability, they serve themselves, not the public

Power without accountability — Lord Acton’s principle applies to all institutions, including the judiciary

Transparency as a virtue — a judiciary committed to self-correction and openness becomes a stronger guardian of justice

Moral authority vs legal authority — the Court’s moral authority rests on its willingness to be held to the same standards it enforces on others

UPSC RELEVANCE

K. Veeraswami v. UOI (1991), Bangalore Principles (2002), Article 124(4) (impeachment), Prevention of Corruption Act 1988, Judicial Standards and Accountability Bill 2010 (lapsed), Second Judges Case (1993).

MAINS GS2:

Judicial accountability vs independence; impeachment as a remedy; Collegium system; need for statutory accountability framework.

MAINS GS4:

Ethics in public institutions; institutional integrity; power and accountability; transparency as a value.

★ FACTS CORNER — KNOWLEDGE PEDIA
K. VEERASWAMI V. UNION OF INDIA (1991):

5-judge Constitution Bench

Held: judges are “public servants” under Prevention of Corruption Act, 1988

Safeguard: CJI consent required before registering case against sitting judge

Criticism: CJI consent requirement is extra-statutory; creates conflict of interest

BANGALORE PRINCIPLES OF JUDICIAL CONDUCT (2002):

Adopted by: UN Economic and Social Council

Six values: independence, impartiality, integrity, propriety, equality, competence

India: endorsed but no binding domestic code of conduct

JUDICIAL ACCOUNTABILITY IN INDIA:

Impeachment: Article 124(4) — special majority in both Houses; used once (Ramaswami, 1993 — failed)

In-house procedure (1999): CJI-led committee; non-statutory; opaque

Judicial Standards Bill, 2010: proposed statutory mechanism — lapsed

No sitting judge has been convicted under anti-corruption law

COLLEGIUM SYSTEM:

Origin: Second Judges Case (1993) and Third Judges Case (1998)

SC Collegium: CJI + 4 senior-most judges

NJAC (99th Amendment, 2014): struck down in Fourth Judges Case (2015)

Sources: [Indian Express](#), [LiveLaw](#)

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