



Judicial Impartiality and Public Accountability in Contemporary India

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ABSTRACT

Judicial impartiality is the cornerstone of any constitutional democracy governed by the rule of law. In India, where the judiciary serves as the guardian of the Constitution, protector of fundamental rights, and arbiter of disputes between the state and citizens, impartiality is not merely an ethical expectation but a constitutional necessity. Public confidence in courts depends upon the belief that judges act independently, fairly, and free from external influence, political pressure, personal bias, or institutional prejudice. At the same time, in a democratic society, public accountability of judicial institutions is equally essential to maintain transparency, legitimacy, and constitutional trust. The relationship between judicial independence and public accountability often creates a delicate constitutional balance. Excessive insulation may risk opacity, while unrestrained criticism may undermine institutional dignity and public faith. Contemporary India has witnessed growing public discourse on judicial functioning, judicial appointments, recusal, transparency, media scrutiny, and the constitutional limits of criticism against courts. These developments raise fundamental questions regarding how judicial impartiality can be preserved while ensuring accountability within constitutional boundaries. This research paper examines the constitutional foundations, legal principles, institutional safeguards, ethical standards, and contemporary challenges relating to judicial impartiality and public accountability in India. It analyzes the doctrine of natural justice, constitutional provisions, judicial ethics, contempt law, media

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freedom, transparency mechanisms, and comparative democratic practices. The paper argues that judicial impartiality and public accountability are not contradictory values but complementary constitutional principles necessary for preserving democratic legitimacy, rule of law, and institutional integrity.

Introduction

The judiciary occupies a unique and indispensable place in India's constitutional framework. Unlike the executive, which administers governance, or the legislature, which enacts laws, the judiciary interprets laws, safeguards constitutional values, and ensures justice. This role demands that judges remain impartial, independent, and committed solely to constitutional principles. Judicial impartiality is therefore not simply a professional virtue; it is the foundational condition for justice itself. A court that is not perceived as impartial risks losing public legitimacy, thereby weakening democratic governance.

The concept of impartiality means that judges must decide cases based solely on law, evidence, and constitutional principles without favoritism, prejudice, bias, or external influence. It includes both actual impartiality and perceived impartiality. In other words, justice must not only be done but must also be seen to be done. Public trust in judicial institutions depends significantly on this perception. In India, judicial impartiality derives from constitutional values such as equality before law under Article 14, protection of life and personal liberty under Article 21, and the broader framework of rule of law. The independence of the judiciary, secured through constitutional safeguards relating to appointments, tenure, salary protection, and removal procedures, is intended to preserve impartiality.

However, impartiality alone is insufficient in a democracy. Public accountability is equally necessary because judicial power, though independent, is not beyond scrutiny. Judges exercise enormous constitutional authority, including judicial review of legislative and executive actions. Such power must be accompanied by ethical standards, institutional transparency, and mechanisms that preserve public confidence. Accountability does not mean subordination to public opinion or political demands; rather, it means adherence to constitutional norms, ethical conduct, and institutional responsibility. Contemporary India presents new challenges in this regard. Increased media scrutiny, social media discourse, debates over judicial appointments, transparency in collegium decisions, recusal controversies, and public criticism of judgments have intensified discussions around the judiciary's role in democratic



accountability. These developments require a careful balance between protecting judicial independence and permitting legitimate democratic scrutiny.

This paper seeks to examine the constitutional philosophy, legal framework, and contemporary challenges surrounding judicial impartiality and public accountability in India. It adopts a fact-centered and institution-focused approach, emphasizing structural issues over individual controversies.

Concept of Judicial Impartiality

Judicial impartiality refers to the absence of bias, prejudice, personal interest, or external influence in judicial decision-making. It requires that judges approach every dispute with neutrality, objectivity, and commitment to legal principles. The doctrine is rooted in natural justice, particularly the maxim *nemo iudex in causa sua*—no person shall be a judge in their own cause.

This principle operates at multiple levels. First, it prohibits personal bias arising from financial interest, family relations, or prior involvement. Second, it addresses institutional bias, where systemic pressures may affect neutrality. Third, it includes perceived bias, where circumstances may create reasonable apprehension in the public mind regarding fairness. In the Indian legal system, impartiality is inseparable from fair trial rights under Article 21. The Supreme Court has repeatedly held that fairness in judicial and quasi-judicial proceedings is a constitutional mandate. Impartiality ensures equality before law because justice administered selectively or prejudicially undermines Article 14.

Judicial impartiality also requires intellectual independence. Judges must be free not only from direct interference but also from ideological, political, or social pressures that may distort legal reasoning. This is particularly significant in constitutional adjudication where courts often decide politically sensitive matters. Thus, impartiality is both a legal doctrine and an ethical ideal essential for constitutional governance.

Constitutional Foundations of Judicial Independence and Impartiality

The Constitution of India contains multiple safeguards to preserve judicial independence, which in turn supports impartiality. Although the Constitution does not explicitly use the phrase “judicial impartiality,” its structural provisions strongly reinforce it.

The separation of powers doctrine ensures that the judiciary functions independently from the executive and legislature. Articles 124 to 147 establish the Supreme Court, while Articles 214 to 231 govern High Courts. Judges enjoy security of tenure, fixed service conditions, and protection against arbitrary removal, which can occur only through impeachment on proven misbehavior or incapacity. Financial independence



is protected by charging judicial salaries on the Consolidated Fund, thereby limiting executive control. Judicial review under Articles 13, 32, 136, 141, and 226 empowers courts to enforce constitutional supremacy.

The Basic Structure Doctrine, evolved in *Kesavananda Bharati v. State of Kerala* (1973), recognized judicial independence as part of the Constitution's basic structure. This means judicial independence cannot be diluted even through constitutional amendment.

The collegium system, though debated, emerged as an institutional mechanism intended to reduce executive dominance in judicial appointments. While criticisms exist regarding transparency, its foundational objective remains preservation of judicial autonomy. Together, these constitutional safeguards create conditions in which impartiality can flourish.

Judicial Ethics and Standards of Conduct

Judicial impartiality is sustained not only by constitutional structure but also by ethical discipline. Judicial ethics require judges to maintain integrity, propriety, competence, restraint, and independence in both professional and personal conduct.

The Restatement of Values of Judicial Life adopted by the Indian judiciary emphasizes that judges must avoid impropriety, maintain aloofness from political controversy, and ensure conduct consistent with public trust. Internationally, the Bangalore Principles of Judicial Conduct identify independence, impartiality, integrity, propriety, equality, and competence as core judicial values. Ethical impartiality extends beyond courtroom decisions. Public speeches, financial interests, social associations, and post-retirement appointments may all affect perceptions of neutrality. Therefore, judges are expected to uphold standards that preserve both actual and perceived independence.

Recusal is another ethical mechanism. Where circumstances may reasonably create apprehension of bias, judges may recuse themselves. However, recusal must be exercised carefully because excessive or strategic recusal may also affect institutional functioning. Thus, ethical norms are essential complements to constitutional safeguards.

The principle of judicial impartiality occupies a foundational position in constitutional governance because the legitimacy of the justice delivery system depends not merely upon the actual fairness of judicial decisions but equally upon public confidence in the neutrality of the adjudicatory process. Judicial propriety requires that judges must remain conscious not only of their own sense of objectivity but also of the reasonable perceptions of litigants and society at large. In circumstances where legitimate



apprehension of bias or conflict of interest arises, the preservation of institutional credibility may necessitate recusal in order to protect the integrity of the judicial process. This approach reflects the broader doctrine that justice must not only be done but must also be seen to be done. The Supreme Court, through Justice M. N. Venkatachaliah in *Ranjit Thakur v. Union of India* (1987), authoritatively emphasized that the test of bias is not determined by the judge's personal conviction of impartiality, but by whether a reasonable person or affected party could genuinely perceive the possibility of prejudice. This judicial standard reinforces that institutional trust, constitutional morality, and the dignity of courts are best preserved when judges evaluate questions of recusal and impartiality from the standpoint of public confidence rather than subjective satisfaction. Therefore, judicial accountability, restraint, and sensitivity to perceived neutrality remain indispensable to sustaining the constitutional promise of fair justice.

Public Accountability of Judiciary

Public accountability refers to the responsibility of judicial institutions to maintain legitimacy through transparency, constitutional adherence, and ethical governance. Accountability does not imply political control; rather, it ensures that judicial independence is exercised responsibly.

Mechanisms of judicial accountability in India include appellate review, review jurisdiction, curative petitions, impeachment provisions, reasoned judgments, open court proceedings, and public access to decisions. Judicial pronouncements are subject to academic scrutiny, media discussion, and constitutional critique. Transparency in judicial appointments has emerged as a significant contemporary issue. Critics argue that opacity in appointments may weaken accountability, while defenders caution against politicization. The challenge lies in balancing independence with procedural openness.

The Right to Information debate regarding the judiciary also reflects this balance. In *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal* (2019), transparency was recognized as important, though subject to judicial independence. Public accountability also involves responsible criticism. Democratic societies permit critique of judgments, legal reasoning, and institutional structures, but malicious attacks undermining judicial legitimacy may attract contempt jurisdiction. Therefore, accountability must operate within constitutional civility.

Media, Public Discourse, and Judicial Perception

In contemporary India, media and digital platforms significantly shape public perceptions of judicial functioning. Media scrutiny can strengthen accountability by exposing systemic concerns and promoting



legal awareness. However, sensationalism, misinformation, or politically charged narratives may distort public confidence.

The principle of open justice allows public examination of judicial functioning, but media trials can also pressure institutions. Social media has intensified this complexity by democratizing commentary while reducing institutional filters. A constitutional democracy must therefore protect both freedom of speech under Article 19(1)(a) and judicial dignity necessary for rule of law. The challenge is not suppression of criticism but ensuring that discourse remains fact-based, lawful, and institutionally responsible.

Judicial institutions, in turn, can strengthen legitimacy through greater transparency, timely judgments, accessible communication, and procedural fairness. Public trust grows when institutions are open yet constitutionally anchored.

The Indian judiciary functions within an increasingly complex social, political, and technological environment. While constitutional safeguards remain robust, contemporary developments have generated new challenges to the perception and practice of judicial impartiality. These challenges are often institutional rather than personal and arise from structural realities of democratic governance.

One of the most significant concerns is the tension between judicial independence and public perception. In a highly polarized political climate, judicial decisions in constitutional, electoral, economic, or civil liberty matters are often subjected to intense public interpretation through ideological lenses. This can create a situation where judgments are evaluated less on legal reasoning and more on perceived political consequences. Such public reactions, while part of democratic discourse, may affect institutional confidence if legal literacy is overshadowed by partisan narratives.

Another challenge concerns delays in judicial administration. The enormous pendency of cases in Indian courts can indirectly influence perceptions of justice. The constitutional principle of impartiality includes timely justice because delayed adjudication may create doubts regarding fairness, accessibility, and equal treatment. Although delays are often structural and resource-based rather than judicially intentional, they affect public confidence in the institution's ability to function effectively. The issue of judicial appointments also remains a subject of constitutional debate. The collegium system was developed to preserve judicial independence from executive dominance, yet concerns regarding transparency, diversity, and institutional accountability continue to emerge. Questions surrounding appointment procedures are not merely administrative; they relate directly to public trust in the fairness and representativeness of the judicial institution.



Post-retirement appointments of judges to commissions, tribunals, or constitutional offices have also prompted debate. While such appointments may benefit governance through judicial expertise, they can raise questions regarding perceived independence if institutional safeguards are not sufficiently clear. Public confidence depends not only on actual impartiality but also on the appearance of constitutional detachment.

Digital media and information ecosystems have introduced another layer of challenge. Judicial observations, interim orders, or incomplete legal developments are often circulated without context, potentially leading to misunderstanding. In such circumstances, public accountability requires both responsible reporting and institutional communication. These challenges do not negate judicial impartiality but highlight the need for continuous institutional reform, transparency, and public legal education.

Judicial Accountability Mechanisms in India

India's constitutional framework recognizes that independence without accountability can weaken democratic legitimacy, while accountability without independence can endanger justice. Therefore, the legal system provides multiple institutional mechanisms to preserve both values simultaneously.

The appellate structure itself is a primary accountability mechanism. Decisions of lower courts are subject to appeal before higher courts, ensuring legal scrutiny and correction. The Supreme Court's review and curative jurisdiction further reinforce institutional responsibility by allowing reconsideration of exceptional errors.

Impeachment under Articles 124(4) and 217 provides a constitutional mechanism for removal of judges for proven misbehavior or incapacity. Although intentionally stringent to protect independence, its existence symbolizes constitutional accountability.

Judicial reasoning also serves as accountability. Courts are expected to provide reasoned judgments grounded in constitutional principles, precedent, and statutory interpretation. Reasoned decisions permit academic analysis, appellate review, and public understanding, thereby strengthening legitimacy.

Open court proceedings form another pillar of accountability. Except in exceptional circumstances, justice in India is administered publicly, reflecting the democratic principle that judicial power must remain visible and transparent.

The emergence of live-streaming in constitutional matters represents a modern extension of this principle. By expanding public access, transparency can enhance trust while also promoting legal literacy. Internal ethical standards, judicial conferences, in-house procedures, and declarations of conflict of interest further



contribute to accountability. However, scholars continue to debate whether stronger institutional frameworks for judicial complaints or oversight may be beneficial, provided they do not compromise independence. Thus, accountability in India is multi-dimensional, combining constitutional design, ethical responsibility, procedural transparency, and public scrutiny.

Contempt of Court and Constitutional Limits of Criticism

A significant aspect of judicial accountability in democratic societies is the balance between preserving judicial authority and protecting freedom of speech. In India, contempt of court laws seek to ensure that the authority of courts is not undermined in ways that obstruct justice or erode institutional legitimacy.

However, constitutional democracy also requires that judicial institutions remain open to fair criticism. Academic critique, constitutional analysis, and informed public discourse regarding judgments, institutional reforms, or procedural functioning are essential to democratic maturity.

The distinction lies between reasoned criticism and actions that obstruct justice or deliberately scandalize the institution without factual basis. Courts have repeatedly recognized that fair criticism of judgments is permissible. The judiciary's dignity is best preserved not by insulation from all critique but by maintaining institutional integrity that withstands scrutiny.

This balance is particularly important in the digital age where expression is widespread and immediate. Responsible public discourse strengthens institutions; reckless misinformation may weaken them. Therefore, legal and civic culture must encourage informed criticism while discouraging attacks that damage rule of law.

Comparative Democratic Perspectives

Comparative constitutional democracies provide useful insight into balancing judicial impartiality and accountability. In the United Kingdom, judicial independence is protected through constitutional conventions and institutional reforms, while public scrutiny is facilitated by parliamentary culture and legal scholarship. In the United States, judicial appointments are publicly scrutinized, but this has also exposed the process to political polarization. Canada emphasizes institutional independence while maintaining transparent ethical standards.

India's model is distinct because of its written Constitution, expansive judicial review, and transformative constitutionalism. The Indian judiciary has historically played an active role in protecting rights, expanding social justice, and preserving constitutional morality. Consequently, impartiality in India carries broader democratic significance than mere dispute resolution. At the same time, comparative

perspectives suggest that transparency, ethical codification, institutional communication, and procedural openness can strengthen public trust without compromising independence.

Reforms and the Way Forward

Strengthening judicial impartiality and public accountability in India requires a constitutional approach rooted in institutional reform rather than episodic controversy. Several reforms merit consideration.

First, greater transparency in judicial appointments and transfers may strengthen public trust while preserving independence. Institutional clarity regarding criteria and process can reduce opacity.

Second, judicial infrastructure and case management reforms are essential to reduce delays, as timely justice directly affects public confidence.

Third, stronger ethical disclosure frameworks, including clear recusal standards and conflict-of-interest guidelines, may enhance perceived impartiality.

Fourth, responsible judicial communication through accessible judgments, public outreach, and legal education can reduce misinformation.

Fifth, legal literacy among citizens and media institutions is critical. Public accountability is meaningful only when criticism is informed by constitutional understanding rather than sensationalism.

Finally, judicial reforms must preserve constitutional independence. Any accountability mechanism must avoid political capture or erosion of separation of powers.

Conclusion

Judicial impartiality and public accountability are foundational pillars of constitutional democracy in India. Far from being opposing values, they are complementary principles that sustain public confidence, rule of law, and institutional legitimacy. Judicial impartiality ensures that justice is administered fairly, independently, and without bias, while public accountability ensures that judicial power remains ethically grounded, transparent, and constitutionally responsible. In contemporary India, where democratic discourse is increasingly dynamic and institutions face heightened scrutiny, preserving this balance is more important than ever. Judicial institutions must remain insulated from unlawful influence yet open to lawful, reasoned scrutiny. Public criticism must remain constitutionally responsible, while institutional reforms must strengthen transparency without weakening independence.

The Indian constitutional framework, supported by judicial precedent, ethical standards, and democratic values, provides a strong foundation for this equilibrium. However, maintaining it requires continuous



vigilance, reform, and constitutional maturity from all stakeholders—judges, lawyers, media, legislature, and citizens alike. Ultimately, judicial legitimacy depends not only on constitutional powers but on sustained public trust. That trust is secured when courts remain impartial in decision-making and accountable in institutional conduct. In this synthesis lies the enduring strength of India’s constitutional democracy.

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