CHAPTER - I
INTRODUCTION

Historically, the State has evolved, through various stages - from its beginnings in the ‘state of nature,’ as described in the theory of social contract of Hobbes, Locke and Rousseau.¹ A state is defined as an independent political entity occupying a defined territory, the members of which, are united together for the purpose of resisting external force and for the preservation of internal order. In its process of preserving the state internally the courts play a prominent, although not an exclusive role. The courts, in their turn, are instrumental in meting out justice while settling disputes between individual and individual and between the state and individuals.²

For any democracy to function successfully, three powerful and independent organs, the legislature, executive and judiciary are necessary. Experiences in the past have shown, that, the authority of all these three, if held in the hands of one single person or organ it would create havoc, tyranny and despotism; this is clearly borne out by history. This ultimately has affected the people at large and those who are in the opposition. To preserve basic freedoms and the dignity of the individual, the Constitution must be permeated with ‘Constitutionalism,’ envisaging checks and balances over the powers of the legislature and the executive, so that they do not function in an uncontrolled and arbitrary manner. Separation of Powers is one such device,³ which has played a major role in the functioning of Constitution.⁴ The first systematic exponent of the idea of ‘Separation of Powers,’ was the French writer, Baron de Montesquieu. In the seventeenth century Separation of Powers became a central feature of a system of limited constitution.⁵ It is one of the most characteristic features of any constitutional scheme⁶

¹ Some of them oppose social contract theory was bad. During that time there is awareness of rights and obligations so there are no questions of contract between the people. Altekar A.S., State and Government in Ancient India, (Delhi: Motila Banarasdass, 1962), p.31.
and considered in its historical perspective, has served western societies as a safeguard against political absolutism.\textsuperscript{7} Separation of Powers could also be said to be the theoretical foundation for judicial independence.

‘Justice,’ declared Edmund Burke ‘is the greatest concern of mankind on earth.’ Justice, as seen to be done, is the highest purpose for which governments exist. Democratic societies are organized and maintained solely to achieve this supreme objective.\textsuperscript{8} Access to justice from an independent and impartial agency, in public law as well as private law, is a recognized human right.\textsuperscript{9} The administration of justice, through a constitutionally structured judicature, is the most fundamental promise, sans which civilized society with guaranteed human rights will soon reach the vanishing point of democracy.\textsuperscript{10} The independence of the judiciary has become a cornerstone in theories of justice. Independence is not an assertion of right but an inherent virtue necessarily embedded in the process and rendition or dispensation of justice.\textsuperscript{11} It is absolutely vital for the health of the nation that independence of the judiciary at all levels is maintained and respected and is proclaimed in order to guarantee a fair and impartial hearing and an unswerving obedience to the rule of law.\textsuperscript{12}

The historical roots of the ‘common law’ tradition lay in a system in which, judges were openly the political agents of the sovereign.\textsuperscript{13} The doctrine of the independence of the judiciary can be traced back to the \textit{Act of Settlement}, 1701, in England, which guaranteed security of tenure, dependent on good behaviour, for superior court judges and, with it, the independence of the judiciary from executive interference. In this way, the Act established the foundations of a system of justice based on fair and impartial trials.\textsuperscript{14} This is the ‘celebrated’ formulation of the first statutory recognition of

\textsuperscript{9} Article 10 of the \textit{Universal Declaration of Human Rights}, 1948 and Article 14(1) of the \textit{International Covenant on Civil and Political Rights}.1966.
the principle of the judicial independence.\textsuperscript{15} Even the framers of the Constitution of the United States emphasized the importance of judicial independence; however, colonial experiences had convinced them that life tenure for judges was necessary for judicial independence.\textsuperscript{16}

A number of international and regional instruments make general reference to the concept of judicial independence. Under the aegis of the United Nations, a number of recommendations have been adopted to clarify the meaning and scope of the notion of judicial independence as guaranteed under the *Universal Declaration of Human Rights*, 1948 and the *International Covenant on Civil and Political Rights*, 1966. This is contained in the *United Nation’s Basic Principles on the Independence of the Judiciary*, which calls on member states to guarantee judicial independence domestically through constitutional and legal provisions and highlights certain standards for attaining judicial independence; a good number of other guidelines and principles have been adopted by legal experts from a variety of groups ranging from judges to Bar Associations, through conferences. These efforts have been made either, at an international level or a regional level.

In ancient India the King was regarded as the fountainhead of justice. His foremost duty was to protect his subjects and was entrusted with the supreme authority of the administration of justice in his kingdom.\textsuperscript{17} Administration of justice was the most sacred duty of the King. But during the British period in India, British rulers gradually changed the judicial system. Consequently, the contemporary concept of judicial independence in India stems from the western concept. However, the traditional concept of executive control over the judiciary, existing in the early historical periods, continues to compete for acceptance with western notions of judicial independence. The Indian judicial system was one of the most valuable legacies which the British left.\textsuperscript{18}

The makers of the Constitution created two institutions to reflect the will of the people and the rule of law separately. The legislature, which represents the immediate


\textsuperscript{18} K. Veeraswami, *supra* note 11, p.148.
interest of the people, embodied the doctrine of popular sovereignty and the guardianship of the fundamental law was assigned to the courts.\textsuperscript{19} The fathers of the Indian Constitution preferred the American doctrine of ‘limited government’ to the English doctrine of ‘parliamentary sovereignty.’\textsuperscript{20} The Constitution of India was not a product of any political revolution, but was a result of long deliberations and research made by the eminent members of the Constituent Assembly; the Constitution of India is thus a ‘Supreme Deed’ of independent India.\textsuperscript{21} All the functionaries, be they legislators, members of the executive or the judiciary, take oaths of allegiance to the Constitution and derive their authority and jurisdiction from its provisions.\textsuperscript{22}

Justice is the very first objective enshrined in the Preamble of the Indian Constitution. Judiciary is appointed to ensure and enforce constitutional justice.\textsuperscript{23} The judiciary provides the most proper power in the government to maintain the authority of the Constitution.\textsuperscript{24} The Indian Constitution contains detailed provisions relating to basic patterns of the courts, their composition, powers, jurisdiction, etc,\textsuperscript{25} which cannot be touched by an ordinary legislative process, intended to secure the institutional independence for the judicial wing essential to deliver free and fair justice, even against the state.\textsuperscript{26} The security of tenure is secured by the express provision in the Indian Constitution that judges of the Supreme Court or of a High Court shall not be removable except by an address by both Houses of Parliament to the President, passed by a special majority, and on the ground of ‘proved misbehaviour or incapacity’.\textsuperscript{27}

The salaries of the judges are fixed by Parliament by law and cannot be reduced during the tenure of a judge. The Parliament may prescribe the privileges, allowances, leave and pension of judges, subject to the safeguard that these cannot be varied during

\textsuperscript{25} Articles 32, 71, 124 – 147, 214-237, the \textit{Constitution of India}.
\textsuperscript{27} Articles 124(2) and 217(1)(b).
the course of tenure of a judge to disadvantage\textsuperscript{28} and the conduct of a Supreme Court or High Court judge cannot be discussed in House except when a motion to remove him is before Parliament.\textsuperscript{29} Further the Supreme Court and High Courts’ expenses are charged upon the Consolidated Fund of India and Consolidated Fund of concerned State, which means that this item is non-votable in Parliament although a discussion on it is not ruled out. The Supreme Court and High Courts are ‘Courts of Record’ and have all the powers of such a court including the power to punish for its contempt.\textsuperscript{30} Article 50 says that State shall take steps to separate the judiciary from the executive in the public services of the State. The object behind this directive principle is to secure the independence of the judiciary from the executive. Further, under the provisions of various statutory enactments protection is given to judicial officers/ judges against any legal action for what they do in their judicial capacity.\textsuperscript{31}

Since 1950, judges of Supreme Court and High Courts have been appointed by the President in “consultation” with the Chief Justice of India. For the first two decades, there was a near consensus between the government of the day and the Chief Justice of India (hereinafter called as CJI).\textsuperscript{32} In 1981 the question arose as to whether “consultation” referred to in Article 124(2) and 217(1) with the Chief Justice of India meant “concurrence,” in which case, the recommendations of the judiciary would be binding on the government. In \textit{S. P. Gupta v. Union of India},\textsuperscript{33} (hereinafter called the \textit{First Judges’ Case}) the Supreme Court, held by a majority, that the recommendations of the CJI were not binding on the government and it is only “consultation” not “concurrence” and primacy lay with the Executive. Once this decision was rendered, the government obtained a license to disregard the recommendations of the judiciary. With the executive having a decisive role in the appointment process, the ‘bad’ appointments were attributed to this imbalance in the system. Many felt that the appointments had a political bias and the entrants did not possess the calibre required of judges. There was disaffection with some of the appointments made in a system, with an overbearing

\textsuperscript{28} Articles 125(2) and 221.
\textsuperscript{29} Articles 121 and 211.
\textsuperscript{30} Articles 229 and 215.
\textsuperscript{31} \textit{Judicial Officers Protection Act}, 1850; Sec.77, 78 of \textit{Indian Penal Code}, 1860 and \textit{Judges (Protection) Act}, 1985.
\textsuperscript{33} 1981 (Supp) SCC 87.
Executive.\textsuperscript{34} In \textit{Supreme Court Advocates on Record Association v. Union of India}\textsuperscript{35} (hereinafter called the \textit{Second Judges’ Case}), the Supreme Court, by majority, overruled the \textit{First Judges’ Case} and held that a collegium opinion of a collective of judges is binding on the government. The judgement established the primacy of the judiciary in the matter of appointments. The decision attracted the attention of jurists throughout the world \textsuperscript{36} and the decision is one of great importance for the independence of the judiciary.\textsuperscript{37} Four years later, on a reference made by the Union Government to the Supreme Court in \textit{In re Special Reference No.1 of 1998}\textsuperscript{38} (hereinafter called the \textit{Third Judges’ Case}), the Supreme Court broadened the collegium, appointing the judges.

The working of the collegium was severally criticized by lawyers, academicians and retired judges of the Apex Court. The principal criticism against the collegium system is that it is non-transparent; personal likes and dislikes and prejudices weigh with the individual judges in the collegium; the mandate is opaque and unknown to the public; and meritorious candidates from the Bar and the High Courts are overlooked for undisclosed reasons. It must be highlighted that the collegium system has not attracted any significant criticism that political favourites or pliant judges have been adopted.\textsuperscript{39}

Over the last two decades, the collegium system, where judges appoint judges, came in for strong criticism. This forced Parliament to pass the \textit{Constitution (Ninety-Ninth Amendment) Act, 2014}\textsuperscript{40} and the \textit{National Judicial Appointments Commission Act, 2014}\textsuperscript{41} (herein after called the NJAC Act) to abolish the collegium system and replace it with a National Judicial Appointments Commission for appointment of judges to the Supreme Court and High Courts. In the \textit{Supreme Court Advocates on Record Association and another v. Union of India}\textsuperscript{42} (hereinafter called the \textit{Fourth Judges’ Case}), both the laws have now been struck down by a majority Supreme Court ruling (4:1) which has

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\item (1993)SCC 441.
\item (1998) 7 SCC 739.
\item Anil Divan, “A Trojan horse at the judiciary’s door,” \textit{The Hindu}, Hubli edn., 14.06.2013, p.10.
\item No.49, the Gazette of India (Extraordinary) Part II, Section 1.
\item No.40 of 2014.
\item W.P. (Civil) No. 13 of 2015.
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revived the collegium system. While the ruling came under heavy criticism, the Apex Court agreed to hear suggestions to improve the collegium system.\(^{43}\) By striking down the Constitution (Ninety-Ninth Amendment) Act, 2014 and the NJAC Act as unconstitutional, the Supreme Court has, once again, focused public attention on the process of appointment of judges to the higher judiciary.

In all democratic systems, accountability has always been of prime importance.\(^{44}\) Accountability and autonomy run parallel and never meet. Accountability enhances autonomy and autonomy is a value-free concept.\(^{45}\) Judicial accountability is a facet of constitutionalism; accountability provides a ‘safety valve’ against fallibility of a judge who is after all human. That is why Lord Acton famously remarked, ‘power tends to corrupt and absolute power corrupts absolutely.’ Power jurisprudence demands regulatory parameters as V.R. Krishna Iyer J. says “power will intoxicate the best hearts, as wine the strongest heads. No man is wise enough nor good enough to be trusted with unlimited power.”\(^{46}\)

Judicial accountability in India is often traced from sources such as, the traditional oath of office taken by judges which requires them to adhere to the Constitution.\(^{47}\) The only way of disciplining an errant judge of the High Court or Supreme Court is by way of impeachment by the Parliament.\(^{48}\) Past experience shows that the removal procedure does not work in reality and in practice. For example in the V. Ramaswamy J. Case impeachment process involved two processes, judicial and political. The judicial process, in relation to V. Ramaswamy J. Case was satisfactory, but the political process failed.

To ensure judicial accountability in India, a code of conduct was adopted at the Full Court meeting of the Supreme Court on 7th May, 1997 and also in a conference of the Chief Justices of the High Courts’ held in New Delhi on 6th December 1999. This

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\(^{48}\) Article 124(4) (5) and Article 217(1)(b) and Judges (Inquiry) Act, 1968.
The code of conduct is called ‘Restatement of Values of Judicial Life’. The code has 16 clauses embodying values to be followed by judges.

The need for reform in the area of judicial accountability was expressed in the nineties and to date, there are constant opinions in this direction. The Supreme Court has now created its own executive and legislative wing. Thus, the courts in India enjoy virtually absolute and unchecked power, unrivalled by any court in the world. Accountability raises questions of quality of judgements, the accumulated arrears and consequent delay in judicial proceedings, inequalities and inequities in accessing justice, balance of power and good governance, uncertainties in law arising out of conflicting opinions and the ineffectiveness of mechanisms to deal with judicial corruption. Simply stated it means transparency at every level of the functioning of the judiciary. The ‘umbrella’ of judicial accountability includes the balance of power with regard to selection, appointment and transfer of judges of the higher courts, besides putting in place a mechanism to scrutinize its official conduct.

A serious debate is now raging about the inadequacy of the existing mechanism for enforcing the judicial accountability of any erring judge in a High Court or in the Supreme Court. There is now a general consensus that some recent incidents involving a few in the higher judiciary, has exposed the inadequacy of the existing provisions to deal with the situation and calls for an effective mechanism to enforce judicial accountability of the higher judiciary. Unfortunately, neither the Constitution nor any other law, has created any institution or system to examine the performance of judges or examine complaints against them. But judges of subordinate judiciary are all made accountable in respect of their acts, judicial or non-judicial, as they are amenable to disciplinary control enforced and supervised by the High Courts of the respective States.

After having witnessed an insistent public demand for an independent body to hold judges of higher judiciary accountable in view of escalating number of misconduct cases, the government introduced the Judicial Standards and Accountability Bill, 2012.

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50 Article 235.

51 Bill No. 136-C of 2010.
for replacing the old the Judges (Inquiry) Act, 1968 and providing for a mechanism to deal with complaints against judges of High Courts and the Supreme Court. The Bill set some judicial standards, making judges accountable for their lapses in declaring their assets and liabilities. But it is yet to be enacted.

While the higher judiciary in India has powers to discipline every organ or government, it is ironical that it has no effective powers to discipline its own members! Judicial accountability is inseparable from judicial independence. The challenge before the nation is how to secure judicial accountability without impairing judicial independence.

1.1 Importance of the Study

The advent of 'a welfare-state-philosophy' has led to an increase in interactions between the state and the citizens, both in number and in frequency. When it realizes that the present controversies and conflicts are not only between power and freedom, but also between one form of liberty and another. That is why, checks and counter checks are necessary in every department of the Government: executive, judiciary and legislature.

Growing awareness of the rights in the people, the concept of public interest litigation, the trend of judicial scrutiny of every significant governmental action and the readiness, even of the executive to seek judicial determination of debatable or controversial issues, at times, meant, perhaps, to avoid its accountability for the decision, have all resulted in significantly increasing the role of the judiciary.

The world in which we are living is changing at a rapid pace. The role of the judiciary, in the perception of the people, has also been changing. Expectations from the judiciary have also increased. But there are a few criteria which have remained unchanged over the passage of time in the selection of the judges, which are, merit and independence. I hope that this anthology will usher in a larger and a more proactive debate and ensure that whatever changes, which are being sought to be brought about, receive careful and thorough consideration.

52 Act of 51 of 1968.
53 Sections 3 and 4 of the Judicial Standards and Accountability Bill, 2012.
54 N.R. Madhav Menon, supra note 26, p.477
For many generations, the independence of the judiciary has been viewed as a significant principle of the rule of law in a democratic–liberal society. Nevertheless, only in recent years has this topic begun to be studied adequately. The struggle for judicial independence is occurring throughout the world; this is not surprising because judicial independence has never been a condition established fully or enjoyed without debate, controversy or challenge.\(^{58}\) Judicial independence is an important issue of public discussion at the national level, around the world.

Judicial independence and accountability are important features in India as a contemporary democratic state. These concepts are matters of ongoing public debate, requiring scholarly inquiry into the values of the independence and accountability of judges. Comparative jurisprudence helps us understand how judiciaries in other democratic states have developed the context of judicial independence and judicial accountability; keeping in mind the differences between the text of those Constitutions and the Indian Constitution.

It is hoped that this study will make a significant contribution to the concepts of judicial independence and accountability in India. It will help the policy makers, legislators and researchers to know the problems and prospects of the judiciary. The finding of this research is intended to help to improve the existing laws relating to judicial independence and judicial accountability in India. The object behind this research is to strengthen the superior judiciary and not to criticize it; wherever it has been criticized, it is with a genuine concern for its image and independence.

### 1.2 The Problem

In the past 30 years of constitutional governance in India, the process of appointing judges to the Supreme Court and High Courts has spurred widespread debate. The Indian Constitution provides a beautiful system of checks and balances under Article 124(2) and 217(1) for the appointment of judges to the Supreme Court and High Courts where both executive and judiciary have been given a balanced role. This delicate balance has been upset by the *Second and Third Judges’ Cases* in the name of securing the independence of the judiciary. It was criticized that the Supreme Court has rewritten

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the provision of the Constitution in the name of securing judicial independence and the change contained in the Judges’ Case judgments can be done only through proper legislation and through Constitutional amendment and not by adjudication.\(^{59}\) It was also criticized that the collegium created by a judgement of the Supreme Court to make appointments and recommend the transfer of the judges of higher courts, is an instrumentality which is a creature of the judgement with no foundation in the Constitution. It constitutes a usurpation of the powers of the executive with no guidelines whatsoever and the collegium is answerable to none, and acts without transparency. The Second and Third Judges’ Cases in their commendable desire to secure the independence, have created more problems than solving earlier ones.

The Constitution (Ninety-Ninth Amendment) Act, 2014 and the NJAC Act were passed in an atmosphere of near political unanimity and camaraderie. It was Benjamin Franklin who said, “If everyone thinks alike, no one is thinking.” The debates in Parliament, in fact, failed to elicit an informed discussion on the collegium system. Instead, the collegium system was unfairly held responsible for the ailing economy and the falling rupee. There was severe criticism of some of the judgments like the judgment on Salwa Judum.\(^{60}\) The debate did not do justice to the magnitude of the implications of these two Acts.

Finally, in the Fourth Judges Case, with the Supreme Court holding the Constitution (Ninety-Ninth Amendment) Act, 2014 and the NJAC Act as unconstitutional, the focus is once again back on the procedure for appointment of judges in the higher judiciary. The Fourth Judges’ Case only led to scrapping of the amendment. The Court could not resolve the issue. It even projected the problem of collegium as a solution and the Supreme Court restricted its hearing on the four specific issues of transparency, eligibility criteria for appointments, the setting up of a secretariat of collegium and complaint redressal mechanism.

The matter of appointment of the superior judiciary, failure of disciplinary control including removal of a judge of superior court, less control on post-retirement behaviour of judges and lack of transparency raise the problems of accountability. The Indian


\(^{60}\) Nandini Sundar \textit{v.} Chattisgarh, (2011) 7 SCC 54.
judiciary is perhaps the most powerful judiciary in the world today and its social perception is also high.

Every judge of this country is a public servant; he must be accountable to the people of this nation in the discharge of his judicial duties and also conduct outside his office. There is no way of any judge seeking immunity or protection for his misconduct. Even the subordinate judges, are all accountable in respect of their acts, judicial or non-judicial as they are amenable for disciplinary control enforced and supervised by the respective High Courts. The only way of disciplining an errant judge of the higher judiciary is by way of impeachment. But it does not seem to work in reality and in practice. The judiciary claims that any outside body having disciplinary powers over them would compromise their independence. They claim that they have set up an in-house mechanism for investigating and taking action on complaints against judges; one major problem with the in-house procedure is that judges regard themselves as a close brotherhood and are reluctant to take action against those they regard as their ‘brothers.’ The present impeachment process is cumbersome, time consuming and tends to get politicized. The recently introduced Judicial Standards and Accountability Bill, 2012 was also criticized as worse than the old Judges (Inquiry) Act, 1968. In this context it is necessary to critically study the provisions relating to judicial independence and judicial accountability obtaining under the Constitution and the laws and appreciate how these primordial values can be reinforced.

1.3 Objective of the Study

1. To analyse the concepts of ‘judicial independence’ and ‘judicial accountability’.
2. To study judicial independence and judicial accountability in other advanced countries like the United States of America and United Kingdom and make a comparative analysis.
3. To critically evaluate the provisions of the Indian Constitution relating to judicial independence.
4. To study how the Supreme Court’s interpretation of the constitutional provisions have affected judicial independence and judicial accountability.
5. To study the problems in the present appointment, transfer and impeachment process.
6. To analyse the provisions of judicial accountability.
7. To analyse the relationship between judicial independence and judicial accountability.
8. To propose improvements in the conditions of judicial independence and accountability in India.

1.4 Hypotheses
1. The principles relating to judicial independence and judicial accountability have been adversely affected over a period of time.
2. The Supreme Court has tried to restore the independence of the judiciary through successive Judges Cases and in the process, has affected the scheme enshrined in the Constitution.
3. Institutional and individual accountability have been diluted due to various factors like the lack of strict adherence to the doctrine of precedent, rules of practice, etc.

1.5 Methodology
The methodology adopted for the study is purely ‘doctrinal’. A combination of historical, comparative and descriptive methods is employed at appropriate places. The whole work involves primarily, the content analysis of the Constitutional provisions relating to judicial independence and judicial accountability in the light of various judicial decisions. The researcher has consulted leading text books, journals, bare acts, judgements, relevant newspapers articles, magazines, internet sources, etc. In addition, the researcher also consulted the Law Commission of India Reports, Report of the National Commission to Review the Working of the Constitution and analysed the same to arrive at conclusion on the proposed topic.

1.6 Scheme of the Study and its Presentation
This investigation into the problems pertaining to “A Critical Study of Provisions Relating to Judicial Independence and Judicial Accountability,” is planned in nine chapters.

The first chapter begins with a brief introduction of the research topic, importance of the study, the problem, objectives of the study, hypotheses, methodology adopted for research and scheme of the study.
The second chapter is on conceptual analysis and begins with analysis of the concepts of judicial independence and accountability and the broader spectrum of the core values of the judicial system: procedural fairness, public confidence in the courts, efficiency, access to justice, constitutional guarantees and judicial independence. Subsequently this chapter deals with the doctrine of the ‘Separation of Powers’, its contribution to the concept of judicial independence, meaning, definition, importance, elements of judicial independence and analyses the concept of judicial accountability and its relationship to judicial independence, which are the main aspects of this thesis. It presents a background to the argument of the thesis developed in the following chapters.

The third chapter presents the text of all relevant international instruments and standards on judicial independence and judicial accountability and the guidelines of general application which contribute to the independence and accountability of the judiciary, with a view to ensuring the legitimacy and effectiveness of the judicial process.

As a part of a comparative study of this research, the fourth chapter focuses on the historical background of the judiciary in the United Kingdom, as also the role of Lord Chancellor, the background for creation of the new judicial appointments’ process and recent developments relating to securing judicial independence and judicial accountability in the United Kingdom.

The fifth chapter describes the federal court system in some detail and provides a broad overview of state judicial systems and attempts to provide an account of judicial independence and judicial accountability in the United States - its history, doctrine, constitutional and other statutory provisions.

The sixth chapter addresses the evolution of the judiciary during the ancient or Hindu, medieval or Muslim and British periods with special reference to the conditions of judicial independence and accountability and focuses more specifically on the debates in the Constituent Assembly of India. The main purpose of this chapter is to identify the links between the history of the judicial systems and the concepts of judicial independence and accountability in India and to give an outline of the current judicial system.
The seventh chapter focuses on the Constitutional provisions relating to judicial independence in India and judicial pronouncement on these issues and most importantly, critically evaluates the provisions relating to the National Judicial Appointment Commission.

In the eighth chapter, a critical analysis is made of Constitutional provisions, the role of the judiciary and efforts of the legislature to make the judiciary accountable in India.

Finally, the ninth chapter presents a general conclusion to the research based on the summaries of findings. It also summarises the main arguments of the thesis and recommends ways of preserving and building on the values of judicial independence and accountability in India.