



SHOULD INDIA REINTRODUCE JURY TRIALS TO REDUCE JUDICIAL CORRUPTION AND INCREASE DEMOCRATIC ACCOUNTABILITY?

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ABSTRACT

This research paper investigates whether India should reintroduce jury trials as a mechanism to reduce judicial corruption and strengthen democratic accountability. Drawing on ethical, political, and practical analyses, the paper examines the limitations of India's current judge-centric system, including concentrated decision-making power, opaque disciplinary structures, and declining public trust. It then evaluates the potential benefits of a modernised jury model, such as decentralised authority, increased transparency, and enhanced community participation. While challenges related to literacy, diversity, and logistical capacity remain, the paper argues that these can be mitigated through structured jury instructions, randomised selection, civic training, and procedural safeguards used successfully in other multicultural democracies. The findings support the conclusion that a reformed jury system could serve as a viable pathway toward a more accountable, participatory, and publicly trusted justice system in India.

Keywords: Decentralised Authority, Justice, Jury Model, Diversity.

INTRODUCTION

For over 300 years, India's justice system relied on juries as a replacement for the traditional Panchayat model. Panels of 3 to 12 citizens decided questions of fact while judges interpreted the law. Although the system was formally abolished nationwide in 1973 with the enactment of the Code of Criminal Procedure, many scholars argue that its decline began after the Nanavati case, which exposed concerns about bias, inconsistency, and media influence. Others contend that jury trials were not abolished because juries failed, but because legal and political

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elites lacked trust in ordinary Indian citizens. With the end of jury trials, India transitioned into a fully judge-centric criminal justice system.

Today, this over-reliance on judges contributes to severe systemic challenges, including staggering case backlogs, protracted timelines, and a pretrial detention crisis. India averages only 15 judges per million people, with more than 50 million pending cases. A case takes an average of 13.5 years to travel from a trial court to the Supreme Court, and nearly 70% of India's prison population consists of undertrial detainees. Judges operating under the BNSS and BNS hold immense discretionary authority over trial timelines, evidence evaluation, and sentencing authority that becomes strained in an overburdened system.

India's criminal justice system is widely acknowledged as slow, overburdened, and structurally flawed. As Ghai notes, "despite these safeguards, the Indian justice system faced procedural flaws," and "widespread distrust in the public and procedural lapses continue to be the rule." The consequences are severe: "nearly 70% are under trial detainees," many of whom wait years for their cases to be heard. Judicial accountability mechanisms limited to impeachment or an internal in-house procedure are insular, opaque, and largely ineffective.

Recent events have further highlighted how vulnerable the system becomes when enormous power is concentrated in the hands of individual judges. In the Justice Yashwant Varma case, an internal inquiry found "strong evidence" that Justice Varma and his family had "tacit or active control" of a storeroom where large quantities of burnt cash were discovered. Yet even in such a serious case, the judiciary's disciplinary mechanism proved limited: the in-house procedure "has been criticised extensively for its structural limitations... and has no independent external oversight." These concerns are now so widespread that even school textbooks acknowledge them. The Supreme Court recently took suo-motu cognisance of a Class 8 NCERT chapter describing "corruption, massive backlog of cases and shortage of judges" as challenges facing the judiciary, calling the matter one of "grave concern".

The dominant concentration of power further reinforces failure, with single judges having enormous control over the country's future, granting bail, sentencing, penalising for contempt, and redirecting cases to specific benches. Lack of action even after data indicating over 8,600 registered complaints reflects the need for improvement. This structure increases vulnerabilities to external pressures, corruption, and systemic delays, fueling perceptions that justice is arbitrary or politically influenced. This makes it important to consider the

reintroduction of jury trials to reduce judicial corruption and increase democratic accountability.

BACKGROUND

History of Jury Trials in India: Jury trials were introduced by the British East India Company in the 17th century and officially abolished in 1973. The Nanavati case is often credited with the abolition, but scholars argue this is a myth; the real cause was the legal profession's refusal to confront caste and class biases. The CrPC 1973 formally ended jury trials.

India's Judge-Centric System: Since its abolition, India has operated a fully judge-driven bench-trial system within a strict three-tier hierarchy. Judges interpret the law, determine guilt, and sentence. No lay participation exists except in two preserved exceptions.

The collegium system selects judges through closed-door deliberations, weakening public trust (Khan, 2025). This contributes to concerns about nepotism, lack of diversity, and institutional delays.

Global Jury Systems: Two models exist globally:

- Pure Juries (US, Canada, Australia, Ireland)
- Mixed courts (France, Austria, Germany, Japan, South Korea)

Jury service decentralises power, aligns justice with community values, and increases civic investment.

ETHICAL ANALYSIS

Cognitive Bias: Psychological evidence shows no one is fully unbiased. Judges cannot eliminate unconscious. A jury distributes this risk across multiple individuals.

Group Deliberation: Group discussion challenges subconscious bias. Judges are not proven better at ignoring prejudicial information.

Empirical Jury Reliability: A New Zealand study found:

- Judges and juries agreed in half the cases
- Juries were reasonable even when disagreeing

- Juries struggled mainly with unclear evidence
- With proper support, juries were thoughtful and evidence-based

Ethical Risks in Judge-Only Systems: Lokur notes corruption in the registry (Hindustan Times, 2026). Justice Banerjee warns of political bias. The Justice Karnan crisis and extreme statements by officials show how concentrated power leads to instability.

POLITICAL/DEMOCRATIC ANALYSIS

Public Participation: Studies show that deliberating on a criminal jury increases subsequent voter turnout by 4–7%, especially among previously infrequent voters. Post-service surveys also indicate that over 40% of jurors emerge with higher confidence in the courts. This demonstrates that jury trials not only produce fairer outcomes but also strengthen democratic participation and institutional trust.

In the Indian context, reintroducing juries would empower citizens by placing decision-making directly in the hands of the public. Juries can act as a buffer against government overreach and systemic corruption, bring community wisdom into the courtroom, and increase institutional accountability. As The Indian Express argues, jury duty forces citizens from different castes, classes, religions, and regions to sit together and collectively decide cases, transforming justice from a distant institution into a shared civic obligation. This confirms that jury systems enhance public participation and democratic health.

Transparency: Why Judge-Led Systems Are Not Transparent in India: Although judge-led systems are often described as “more transparent” because judges publish written reasons, this assumption does not hold in India. Transparency requires external oversight, open processes, and accountability, all of which are limited. The collegium operates behind closed doors, disciplinary inquiries are internal, and bench-allocation remains entirely at the discretion of senior judges.

Major Corruption Scandals Exposing Systemic Opacity: The 2017 Quddusi bribery scandal illustrates this problem clearly. A retired High Court judge was arrested for allegedly attempting to bribe Supreme Court judges. The controversy escalated when CJI Dipak Misra was accused of reshaping bench assignments in a matter connected to himself. Senior judges publicly objected, and legal experts described the episode as a “crisis” that undermined the

Court's credibility. This incident revealed how a judge-centric system can obscure internal decision-making and shield itself from scrutiny.

Empirical Evidence of Systemic Failure: A 2022 U4 Anti-Corruption Resource Centre study of 110 experts found:

- Two-thirds reported low or very low confidence in judicial vigilance systems.
- 74% believed these mechanisms can be misused against lower-court judges.
- 56% of judges felt the system does not protect them from false complaints.
- 77% of legal academics concluded that the in-house procedure is ineffective.
- 61% agreed it fails to address judicial misconduct.

A 2020 International Journal of Constitutional Law article documented a 15-year pattern in which sexual harassment allegations against Supreme Court and High Court judges were handled through opaque, ad hoc in-house procedures that violated the Vishaka guidelines and POSH Act. Reports were withheld, victims silenced, media restrained, and inquiries closed without transparency. The authors conclude that the judiciary operates as an “old boys’ club.”

Judicial Sensitivity to Criticism: On 18 April 2023, the Supreme Court held that while fair criticism is permissible, “reckless and baseless allegations” against judges cannot be tolerated as they “strike at the foundation of judicial independence”. This strong defence of judicial dignity underscores how deeply the institution prioritises its external reputation, even as its internal accountability mechanisms remain opaque and inconsistent. The Court's sensitivity to criticism highlights a structural imbalance: while public commentary is tightly regulated, allegations of misconduct within the judiciary are often handled through closed-door procedures that lack transparency, independent oversight, or meaningful consequences.

Documented Corruption Cases (2000s–2025): Numerous cases demonstrate that judicial corruption is neither isolated nor limited to lower courts. Examples include:

- Railway Claims Tribunal scam (Judge R.K. Mittal)
- Disproportionate assets case (Justice S.N. Shukla)
- Bribery scandal (Justice Nirmal Yadav)
- Embezzlement leading to impeachment (Justice Soumitra Sen)
- District/High Court judges Acharya, Inamdar, Tiwari, Arora — bribery, manipulation, financial misconduct (Vishnu, 2025)

Justice Yashwant Varma Case (2025): After burnt bundles of cash were discovered in Justice Varma's residence in March 2025, an in-house committee found he had "tacit or active control" over the room. On 7 August 2025, the Supreme Court dismissed his challenge. The Bench admitted:

- The Constitution is silent on disciplinary measures short of impeachment.
- Impeachment is cumbersome.
- Many judges accused of misconduct "could have escaped unscathed."

The in-house procedure was upheld as a fact-finding, not disciplinary, mechanism. The CJI retains extraordinary discretionary power.

The Wire Investigation (2026): A 2026 investigation revealed that the Supreme Court told the Delhi High Court it maintains no judge-specific records of misconduct complaints despite telling Parliament that 8,630 complaints were received between 2016 and 2025. This violates RTI requirements and shows that:

- Complaints are recorded
- But outcomes are hidden
- and no external audit exists

Inconsistent Discipline Across Courts: A Madhya Pradesh civil judge who engaged in drunken behaviour, abused passengers, and urinated in front of a woman was dismissed after an inquiry but reinstated by the High Court due to lack of "fresh evidence," even though witnesses refused to testify. The Supreme Court later stayed reinstatement, calling the conduct "grossest grave misconduct" (Bhaumik, 2026). This demonstrates inconsistent standards and internal discretion.

Nirbhay Singh Suliya Case (2026): The Supreme Court held that judicial error does not constitute misconduct unless corruption or improper motive is proven. The inquiry was "perverse," lacking evidence. This shows how disciplinary action can be arbitrary and harsh in some cases, lenient in others.

Fake AI Precedents Case (2026): In *Gummadi Usha Rani v Sure Mallikarjuna Rao* (2026), a trial court relied on AI-generated fake precedents. The High Court acknowledged the citations were fabricated but still upheld the order. The Supreme Court held that relying on fake

judgments “is not an error” but may amount to misconduct. This exposes a modern accountability vacuum.

Synthesis: These cases collectively reveal:

- widespread corruption
- inconsistent accountability
- weak oversight
- opaque internal processes
- Judges avoiding consequences
- a structurally fragile judge-centric system

PRACTICAL ANALYSIS

Feasibility: The feasibility of the reintroduction of the jury system is a major topic of critics' arguments, standing on a concrete belief that India does not have the capacity to afford it. The belief is mainly formed by the massive backlog of pending cases, concluding that the immense time and infrastructure cost required to manage juries is economically unfeasible. The unfeasibility is further reinforced by modern academic consensus, labelling it an "expensive affair which a developing country like India might not be able to afford," or government advisers' explicit classifications of the administration towards non-professional legal panels as "cumbersome, dilatory [delay-causing], and expensive" compared to professional judges.

Challenges: Education: Legal Comprehension: Some Indian laws involve high technical jurisprudence; lay jurors might struggle to understand complex terminology, determine the admissibility of evidence, or comprehend instructions from a judge.

Language barrier: India is home to 22 official languages and hundreds of dialects; jury instructions and testimony would constantly require translators. This could increase the risk of misinterpretation, confusion or mistrials.

Literacy disparities: Despite rising literacy rates, reading and evaluating intricate written evidence or forensic data could be difficult for jurors with lower educational backgrounds.

Awareness: Societal biases: Evident in many online platform forum discussions, many are concerned that the deep beliefs, generational traditions, and social constructs such as casteism, religious fanaticism and patriarchal prejudices could heavily influence or corrupt jury verdicts.

Media and propaganda influence: With the rapid spread of social media in India, ensuring an unbiased jury could be challenging. Jurors could be influenced by sensational media trials and public opinion during a case.

Lack of civic duty: The concept of civic engagement through mandatory jury service is foreign to the general population. Citizens may view it as an unpaid burden rather than a democratic duty, leading to low empathy or participation initially.

Logistics: Court backlogs: The Indian judicial system is currently under a major backlog of pending cases; adding jury selection and constant legal arguments in front of the jury could further escalate the issue.

Infrastructure and capacity: Most courtrooms across India lack the physical space, security and technology to house, feed and isolate 12 to 14 jurors for days or weeks at a time.

Financial and economic costs: Providing daily transportation, security and stipends for millions of potential jurors would be heavy, while forcing working citizens to leave their daily livelihoods for trials could trigger economic problems for individual families.

Benefits: Reduced Corruption: Decentralisation of power: By spreading the power from one individual to a panel of randomly selected members of the general population, the system would make it harder to coerce or bribe any single official.

Independent oversight: A citizen jury acts as a public check against judicial bottlenecks, ensuring all the decisions are transparently made, without any reliance on a legal insider, who might be susceptible to political or financial influence.

Transparency through simplicity: Juries force prosecutors and defence attorneys to present their cases using plain, accessible language that everyone can interpret, therefore increasing public accountability, while demystifying legal proceedings.

Shared Responsibility: Democratic Participation: The jury model ensures that the justice system serves the public, not just protects the interests of the elite or institutions. It brings the community directly into the functions of the state.

Distributing the Burden: Convicting someone, especially in capital cases, puts a heavy moral weight on one judge. A jury shares this burden among several individuals. This prevents one judge from facing backlash or pressure for doing their job.

Public Buy-in: When regular citizens actively participate in the legal process, respect for the legal system and civic responsibility expand.

More balanced decision-making: Diversity of Perspectives: Juries are made up of ordinary citizens from different backgrounds, classes, and life experiences. This group reduces the personal, cultural, or institutional biases that a single judge may hold.

Adapting to Modern Community Standards: Juries are great for evaluating subjective community standards, such as negligence, reasonableness, or obscenity. They bring the collective common sense of the public into the courtroom instead of relying entirely on strict legal theory.

The "Multiple Heads" Approach: The jury deliberation process requires a group to discuss, explain, and review the facts together. This naturally softens extreme opinions and leads to a thorough examination of differing views before concluding.

COUNTERARGUMENTS

Juries can be biased: Jurors bring personal, emotional, and societal prejudices into the case. A highly publicised case can influence one's opinion, making it difficult for an average citizen to deliver a clear, objective verdict based strictly on facts.

Juries may lack Legal Knowledge: The lack of legal knowledge in ordinary citizens could confuse them while interpreting complex forensic evidence or legal technicalities, leading to legally unsound verdicts.

India's Population Diversity: India is a highly diverse nation with deeply ingrained divisions based on religion, caste, gender and class. There are justified fears that juries might allow localised community prejudices, dominant group dynamics or regional sentiments to dictate verdicts over established constitutional law.

REBUTTAL SECTION

Bias exists in judges, too: Pre-trial screenings (voir dire) allow courts to identify and exclude individuals with strong prejudices before the trial begins. A properly selected jury reflects the diversity of the community, and group deliberation naturally challenges and neutralises individual biases. Unlike a single judge, a multi-person panel prevents one person's prejudice from dominating the verdict.

Lack of legal knowledge ≠ lack of judgment: Jurors do not operate in a vacuum. The presiding judge provides structured jury instructions that translate legal standards into clear, actionable guidelines. Detailed juror handbooks, pre-trial civic training, and simplified explanations of forensic evidence ensure comprehension. Many countries with complex legal systems successfully rely on juries despite similar concerns.

Diversity can be a Strength: Randomised jury selection algorithms, used in other multicultural democracies, can ensure panels that reflect India's social diversity. Mandatory inclusion rules prevent caste- or community-dominated juries. Requiring unanimous or super-majority verdicts (such as 10–2) ensures that a small number of biased individuals cannot override the collective judgment of the group.

Structural Resilience against Corruption: A judge-only system creates a single point of failure: if one judge is compromised, the entire verdict is compromised. In contrast, a jury distributes decision-making across 12 individuals, making it statistically and practically harder for corruption to influence the outcome. Even if one juror were compromised, they cannot unilaterally determine guilt, and their behaviour is more easily exposed through group deliberation. Jurors are also subject to criminal liability for bribery or misconduct, and media scrutiny makes such behaviour highly risky. By comparison, judicial corruption is harder to detect, investigate, or prosecute due to institutional protections and opaque disciplinary mechanisms.

DISCUSSION

What the evidence suggests: Across the ethical, political, and practical dimensions examined in this paper, the evidence consistently shows that India's current judge-centric system suffers from structural weaknesses that make it vulnerable to bias, corruption, and public distrust. Empirical studies, documented scandals, and institutional analyses all point toward the same

conclusion: concentrated judicial power without external oversight creates opacity, inconsistency, and accountability gaps. In contrast, global research on jury systems demonstrates that lay participation, when properly supported, can produce reliable, community-aligned, and transparent outcomes.

Why juries may be better for India: Reintroducing jury trials would not replace judicial expertise but complement it by decentralising decision-making. Juries distribute moral and legal responsibility across a diverse panel, reducing the risk of individual bias or corruption influencing the verdict. They also force legal actors to communicate clearly, increasing transparency and public understanding of the justice process. While challenges exist, such as literacy disparities, logistical constraints, and social biases, these are not insurmountable. Many multicultural democracies with similar complexities have successfully implemented juries through structured instructions, randomised selection, and strong procedural safeguards.

How this reform aligns with democracy: A jury system directly embeds citizens into the administration of justice, transforming the courtroom from an elite-controlled institution into a participatory democratic space. Research shows that jury service increases civic engagement, voter turnout, and trust in public institutions. In a country where public confidence in the judiciary is declining, citizen participation could serve as a corrective mechanism, strengthening democratic accountability while reinforcing constitutional values such as equality, fairness, and collective responsibility.

What this means for the future: If implemented carefully, jury trials could help India move toward a more transparent, decentralised, and publicly trusted justice system. They would not solve every structural flaw, but they would introduce a layer of community oversight that India's judiciary currently lacks. In the long term, this reform could reduce corruption, improve public legitimacy, and align India's justice system with global democratic standards. The future of Indian justice may depend not on replacing judges, but on sharing power with the people they serve.

CONCLUSION

This paper examined the question: Should India reintroduce jury trials to reduce judicial corruption and increase democratic accountability? Through historical analysis, ethical evaluation, political theory, and practical assessment, the evidence shows that India's current judge-centric system suffers from structural vulnerabilities ranging from concentrated power

and opaque disciplinary mechanisms to widespread public distrust and documented corruption scandals. In contrast, global research and comparative democratic practice suggest that juries decentralise authority, dilute individual bias, and introduce a layer of community oversight that India's justice system currently lacks.

Based on the arguments presented, this paper concludes that India should reintroduce a modernised, well-regulated jury system. Such a reform would not replace judicial expertise but complement it by distributing decision-making across diverse citizens, increasing transparency, and strengthening democratic participation. While challenges exist, such as literacy disparities, logistical constraints, and social biases, these can be mitigated through structured jury instructions, randomised selection, civic training, and procedural safeguards used successfully in other multicultural democracies.

Ultimately, reintroducing jury trials offers India a meaningful path toward a more accountable, participatory, and publicly trusted justice system. If India seeks a future where justice is not only delivered but also seen to be delivered, empowering citizens through a reformed jury model may be essential to restoring confidence in the rule of law and revitalising the democratic foundations of its judiciary.

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