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ENACT A CODE OF CONDUCT FOR FORMER JUDGES

*(Resolution passed by National Council of Akhil Bharatiya Adhivakta Parishad
on 5th April 2026, at Samalakra, Haryana)*

Akhil Bharatiya Adhivakta Parishad expresses its dismay at retired judges of Indian constitutional courts appearing as expert witnesses before foreign courts in support of fugitives from Indian justice.

The documented record is damning. Justice Deepak Verma (Retd., Supreme Court) has appeared against India's interest in three separate foreign proceedings: the Mallya bankruptcy (evidence "unsupported in law," to be "treated with caution"), Sanjay Bhandari in 2025, and recently in Nirav Deepak Modi v. Government of India [2026] EWHC 716 (Admin), where he opined that India's sovereign assurances were "a diplomatic promise rather than a legally enforceable formal assurance" – an 'expert' testimony which, if accepted at face value could have defeated India's extradition request.

Justice Markandey Katju (Retd., SC) appeared for Nirav Modi before Westminster Magistrates Court in 2021 and made serious comments painting Indian judiciary in bad light. The UK Court held his evidence was "less than objective and reliable, and that it was tinged with resentment bearing "the hallmarks of an outspoken critic with a personal agenda," and considered his conduct of briefing journalists before testifying "astonishing" and "questionable for someone who served the Indian Judiciary at such a high level."

Justice Abhay Thipsay (Retd., Bombay HC) appeared in the same 2021 proceedings, the court attached "no weight" to his opinion. Again, in Bhandari v. Government of India [2025] EWHC 449 (Admin), he was found to have become "a more combative witness" acting "as an advocate for the defendant rather than an independent expert." Previously, Late Justice Pana Chand Jain (Retd., Rajasthan HC) also appeared for Mallya in 2019.

The irony is that these noble men draw their pension from the Consolidated Fund of India, funded by the same citizens whose bank deposits were plundered by the fugitives they chose to assist. The Parishad records that Justice Deepak Verma, Justice Markandey Katju, Justice Abhay Thipsay, and Late Justice Pana Chand Jain have forfeited their moral entitlement to every benefit and designation flowing from the constitutional offices they once held. However, it must be said, in fairness, that this cannot be attributed to retired judges as a class. Many former judges have, with exemplary restraint, declined post-retirement engagements that would conflict, or even appear to conflict, with the dignity and neutrality of the judicial office they once held.



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In view of the aforesaid, the Parishad demands that Parliament enact a Judicial Officers (Post-Retirement Conduct and Accountability) Act providing:

- (i) Former judges who accept remunerated expert, advisory, or consultancy roles in matters of public significance, particularly in cross-border litigation involving India, shall make full and timely disclosure of such engagements to an appropriate institutional body which shall be uploaded on a publicly accessible website;
- (ii) a complete prohibition on former constitutional court judges testifying before foreign courts in proceedings adverse to India's sovereign positions or public institutions;
- (iii) automatic forfeiture of all retirement benefits, including pension, accommodation, security, ancillary honorary facilities, and authority to participate in arbitration proceedings either as arbitrator or counsel, upon violation;
- (iv) statutory withdrawal of the right to use the title "Justice," a designation of constitutional office, not a personal honorific;
- (v) a Parliamentary Oversight Committee with full powers of inquiry and adjudication.

The Parishad also calls upon the Government of India to appoint a Committee to prepare a complete draft Bill in the said regard and submit it within sixty days to the Minister of Law and Justice and Leaders of both the Houses.

The advocates of Bharat will not be silent while the Republic's own former judges, pensioned by the Indian taxpayer and titled by the Constitution, rent their robes to those who have plundered their hard-earned money and acted against the interests of the sovereign people of Bharat. Even as we record this, we consciously maintain our *maryada* – both in the language we employ and in the restraint of our future actions - solely to preserve the institution's dignity; we only hope that better sense will prevail.

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