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Justice Yashwant Varma Case Revives Debate on Judicial Accountability, Resignation and Parliamentary Removal Mechanism in India

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Recent Developments:

- **Lok Sabha Speaker Om Birla** has decided to table the report of the **Judges Inquiry Committee** investigating allegations against former **Allahabad High Court** judge **Justice Yashwant Varma**, despite his resignation in **April 2026**.
- The decision has reopened the constitutional debate on whether resignation by a judge automatically terminates impeachment proceedings or whether Parliament may continue the accountability process in the larger public interest.

Background of the Case:

Sequence of Events:

- In **2025**, bundles of burnt and partially destroyed currency notes were reportedly recovered from the official residence of **Justice Yashwant Varma** in **New Delhi**, leading to serious allegations of misconduct.
- The **Supreme Court** initiated an **in-house inquiry**, which reportedly found sufficient grounds warranting further action against the judge.
- More than **146 Members of Parliament** submitted a motion seeking his removal, following which the **Lok Sabha Speaker** constituted a **three-member Judges Inquiry Committee** under the **Judges (Inquiry) Act, 1968**.
- Before completion of the parliamentary inquiry, **Justice Varma** resigned by submitting his resignation to the **President of India**.
- The **Judges Inquiry Committee** nevertheless completed its statutory inquiry and submitted its report to the **Lok Sabha Speaker**, who decided to place it before both Houses of Parliament.

Judicial Accountability in India:

Meaning:

- **Judicial accountability** refers to the constitutional principle that judges remain answerable for proven misconduct while preserving judicial independence from political or executive interference.
- It seeks to maintain **public confidence**, **institutional integrity**, **judicial independence**, and the **Rule of Law** simultaneously.

Need for Judicial Accountability:

- Judicial accountability strengthens public trust in the justice delivery system.

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- Judicial accountability ensures that constitutional offices remain subject to constitutional standards of conduct.
- Judicial accountability protects judicial independence by distinguishing legitimate scrutiny from political interference.
- Judicial accountability promotes transparency, ethical conduct and institutional credibility.

Constitutional Framework Governing Removal of Judges:

Relevant Constitutional Provisions:

- **Article 124(4)** provides for the removal of a **Supreme Court Judge** on the grounds of **proved misbehaviour** or **incapacity** through a special parliamentary procedure.
- **Article 124(5)** empowers Parliament to enact a law regulating the investigation and proof of misbehaviour or incapacity.
- **Article 217(1)(b)** provides that a **High Court Judge** may resign by writing under his hand addressed to the **President of India**.
- **Article 218** makes the removal procedure applicable to **High Court Judges** in the same manner as **Supreme Court Judges**.

Judges (Inquiry) Act, 1968:

Purpose:

- The **Judges (Inquiry) Act, 1968** provides the statutory procedure for investigating allegations against judges before Parliament considers their removal.

Initiation of Removal Motion:

- A removal motion may be initiated by:
- At least **100 Members** of the **Lok Sabha**, or
- At least **50 Members** of the **Rajya Sabha**.

Admission of Motion:

- The **Speaker** or the **Chairman** may admit or reject the motion after preliminary examination.

Constitution of Inquiry Committee:

- Upon admission, a **three-member Inquiry Committee** is constituted comprising:
- One **Supreme Court Judge**.
- One **Chief Justice of a High Court**.
- One **distinguished jurist**.

Inquiry Process:

- The Committee investigates allegations by following principles of natural justice.
- The concerned judge receives an opportunity to present evidence and defend against the charges.
- The Committee submits its findings regarding whether the charges stand proved.

Parliamentary Removal:

- If misconduct is proved, each House of Parliament must separately pass an **Address** supported by:
- A majority of the total membership of that House, and

- A majority of not less than **two-thirds** of members present and voting.
- After parliamentary approval, the **President of India** issues the order removing the judge from office.

Legal Position on Resignation During Inquiry:

Constitutional Position:

- **Article 217** permits resignation by a unilateral communication addressed to the **President of India**.
- Acceptance of resignation by the President is not constitutionally required.

Supreme Court Interpretation:

- In **Union of India v. Gopal Chandra Misra (1978)**, the **Supreme Court** held that resignation becomes effective from the date specified by the judge and does not require formal acceptance.

Existing Constitutional Gap:

- Neither the Constitution nor the **Judges (Inquiry) Act, 1968** expressly provides that an ongoing misconduct inquiry automatically lapses after resignation.
- The present controversy therefore concerns interpretation of constitutional practice rather than explicit constitutional text.

Previous Impeachment Precedents:

Justice V. Ramaswami (1993):

- Justice **V. Ramaswami** became the first judge against whom impeachment proceedings reached Parliament.
- The removal motion failed in the **Lok Sabha** because several Members abstained despite the inquiry committee finding financial irregularities.
- Consequently, no judge has been removed through impeachment in India till date.

Justice P. D. Dinakaran (2011):

- The then **Chief Justice of the Sikkim High Court** resigned while the inquiry committee was still investigating allegations.
- Parliament treated the proceedings as having become infructuous because the objective of removal no longer survived.

Justice Soumitra Sen (2011):

- The **Rajya Sabha** passed the impeachment motion against **Justice Soumitra Sen**.
- Before the **Lok Sabha** could vote, he resigned from office.
- The **Lok Sabha** subsequently discontinued further proceedings.

Competing Constitutional Interpretations:

View Supporting Termination of Proceedings:

- Once a judge resigns, removal from office becomes impossible.
- Continuing impeachment proceedings may therefore be considered unnecessary.
- This interpretation has shaped previous parliamentary practice.

View Supporting Continuation of Proceedings:

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- The inquiry stage and the removal stage are legally distinct under the **Judges (Inquiry) Act, 1968**.
- Establishing whether misconduct occurred serves an important constitutional purpose independent of removal.
- Completion of the inquiry promotes transparency, institutional accountability and public confidence.
- Allowing resignation to terminate inquiries may encourage judges facing serious allegations to avoid constitutional scrutiny.

Significance of Tabling the Report:

Strengthening Public Accountability:

- Parliamentary tabling places the findings of a statutory inquiry in the public domain.
- Public disclosure strengthens institutional transparency and democratic oversight.

Clarifying Constitutional Practice:

- The present case may establish an important constitutional convention regarding continuation of accountability proceedings after resignation.

Financial Implications:

- Judges resigning before retirement generally remain entitled to retirement-related benefits under applicable service conditions.
- If Parliament ultimately develops a different constitutional practice, questions regarding pensionary consequences may arise.

Future Criminal Proceedings:

- Parliamentary findings themselves do not constitute criminal conviction.
- However, factual findings may facilitate appropriate investigation by competent authorities wherever independent criminal offences are disclosed.

Challenges in India's Judicial Accountability Framework:

High Threshold for Removal:

- The constitutional requirement of special parliamentary majority makes removal extremely difficult.

Absence of Internal Disciplinary Measures:

- The Constitution primarily provides removal as the ultimate sanction, leaving limited intermediate disciplinary mechanisms.

Balance Between Independence and Accountability:

- Excessive external interference may weaken judicial independence, whereas inadequate accountability may reduce public confidence.

Limited Transparency of In-house Procedures:

- Internal judicial inquiries generally remain confidential, leading to demands for greater transparency while preserving judicial independence.

Way Forward:

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Statutory Clarification:

- Parliament may clarify through legislation whether inquiry proceedings should continue after resignation in cases involving serious misconduct.

Strengthening Institutional Accountability:

- Clear procedures should distinguish fact-finding from removal so that constitutional accountability survives even where removal becomes impossible.

Enhancing Transparency:

- Greater public disclosure of completed statutory inquiries should be considered while protecting due process and judicial independence.

Developing a Judicial Standards Framework:

- A comprehensive judicial ethics and accountability law may provide graded disciplinary mechanisms for misconduct falling short of removal.

Balancing Constitutional Values:

- Any reform should simultaneously preserve **judicial independence, separation of powers, Rule of Law, natural justice, and public confidence in the judiciary.**

Related Constitutional Concepts:

In-house Procedure of the Supreme Court:

- The judiciary follows an **in-house procedure** for examining complaints against judges before initiation of formal constitutional removal proceedings.
- The in-house mechanism is administrative in nature and remains distinct from the parliamentary removal process.

Judicial Independence:

- Judicial independence is protected through security of tenure, fixed service conditions, difficult removal procedures and protection from executive interference.
- Accountability mechanisms should reinforce, rather than undermine, judicial independence.

Doctrine of Separation of Powers:

- Parliament exercises the constitutional power of removal, whereas courts independently discharge judicial functions.
- The removal mechanism reflects constitutional checks and balances among the organs of government.

Value Addition for UPSC:

Important Constitutional Articles:

- **Article 50:** Separation of the judiciary from the executive.
- **Article 121:** Parliamentary discussion on the conduct of judges is prohibited except upon a motion for removal.
- **Article 124:** Appointment and removal of **Supreme Court Judges.**
- **Article 124(4):** Grounds and procedure for removal.

- **Article 124(5):** Parliamentary power to regulate inquiry.
- **Article 217:** Appointment and resignation of **High Court Judges**.
- **Article 218:** Application of removal provisions to **High Court Judges**.

Important Judicial Pronouncement:

- **Union of India v. Gopal Chandra Misra (1978):** A judge's resignation is a unilateral constitutional act that becomes effective from the date specified by the judge unless validly withdrawn before taking effect.

Judicial Ethics Framework:

- **Restatement of Values of Judicial Life (1997)** lays down ethical standards expected from judges.
- **Bangalore Principles of Judicial Conduct (2002)** identify **Independence, Impartiality, Integrity, Propriety, Equality, Competence, and Diligence** as core judicial values