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EDITORIAL ANALYSIS

Resign to Escape? The Varma Case and the Limits of Judicial Accountability

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CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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Resign to Escape? The Varma Case and the Limits of Judicial Accountability

 **The Indian Express** 8 July 2026 **GS2**

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THE LIFT LINE

When burnt bundles of cash were found at a judge’s residence, the country got its clearest test in decades of whether the higher judiciary can be held to account. Justice Yashwant Varma’s resignation in April 2026, on the eve of a parliamentary removal motion, poses a sharp question: can a judge quit his way out of accountability, and if so, what is the point of the removal machinery the Constitution so carefully built?

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Judicial accountability sits at the intersection of the Constitution, the separation of powers and institutional integrity. The Varma episode is the live case study that will anchor Prelims facts and Mains analysis on judicial independence, the removal procedure and the in-house mechanism.

GS Paper 2: Structure, organisation and functioning of the judiciary; separation of powers; appointment and removal of judges; accountability of constitutional functionaries; mechanisms and institutions for redressal.

Prelims angle: Article 124(4) and 124(5); Article 217 (High Court judges); Article 218 (application of removal provisions to High Courts); the Judges (Inquiry) Act, 1968; three-member inquiry committee composition; two-thirds special majority; the in-house procedure; no judge successfully removed in India to date.

Mains angle: Whether resignation defeats the constitutional purpose of removal, and how India can build a credible, permanent judicial-accountability architecture.

BACKGROUND AND CONTEXT

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On March 14, 2025, Delhi Fire Service personnel responding to a fire at the official residence of Justice Yashwant Varma, then a Delhi High Court judge, allegedly found sacks of partly burnt currency notes in an outhouse. The then Chief Justice of India invoked the in-house procedure and constituted a three-judge committee on March 22, 2025, comprising Justice Sheel Nagu, Justice G.S. Sandhawalia and Justice Anu Sivaraman. Justice Varma was in the meantime transferred to his parent High Court at Allahabad and shorn of judicial work.

The in-house report found merit in the allegations. A removal motion, signed by 146 members of the Lok Sabha, was admitted, and the Lok Sabha Speaker constituted a **statutory** (<https://ujivari.com/vocab/statutory/>) three-member Inquiry Committee under the Judges (Inquiry) Act, 1968. Facing this two-track process, Justice Varma resigned in April 2026. His resignation, however, has not been formally accepted by the President, and the statutory inquiry report is set to be tabled in the Lok Sabha during the Monsoon Session that begins on July 20, 2026.

The core legal puzzle is that a removal inquiry under the 1968 Act can proceed only against a sitting judge. A resignation, on the face of it, abates the process, leaving the graver questions of criminal liability and pension or post-retirement benefits to be settled separately.

THE CORE ARGUMENT / ISSUE

The central issue is that India's removal architecture is designed to end a compromised judge's tenure, not to establish **culpability** (<https://ujivari.com/vocab/culpability/>) or impose consequences, so a well-timed resignation can neuter the entire process while leaving the reputational and legal loose ends untied.

The Constitutional Route Is Deliberately Steep

Article 124(4) permits removal of a Supreme Court judge only on grounds of "proved misbehaviour or incapacity", through an address by both Houses passed by a special majority, meaning a majority of the total membership of each House and a two-thirds majority of those present and voting, followed by a Presidential order. Article 217 applies the same protection to High Court judges, and Article 218 expressly extends the removal provisions of Article 124 to the High Courts. This high **threshold** (<https://ujivari.com/vocab/threshold/>) protects judicial independence, but it also means the process is slow, political and rarely completed.

The In-House Procedure Fills a Gap, but Lacks Teeth

Because impeachment is so onerous, the judiciary evolved an in-house procedure to deal with misconduct short of removal. It is credible and quick, but it is a self-regulatory mechanism with no statutory basis and no power to impose punishment beyond persuasion, transfer or a recommendation to initiate removal.

Resignation as an Exit Hatch

The 1968 Act inquiry can run only against a sitting judge. Once Justice Varma resigned, the statutory process risked abating, illustrating how the accountability chain can be broken at the discretion of the person being held to account.

MECHANISM	BASIS	WHAT IT CAN DO	THE GAP IT LEAVES
Removal under Art. 124/217/218	Constitution + Judges (Inquiry) Act, 1968	End a sitting judge's tenure	Abates on resignation; no criminal or financial sanction
In-house procedure	Judiciary's self-regulation	Fact-finding, transfer, recommend removal	No statutory force, no penalty
Criminal prosecution	Prevention of Corruption Act	Punish the offence	Needs sanction; slow; independent of tenure
Financial consequences	Rules on pension/benefits	Withhold post-retirement benefits	Not automatic; contested

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Separate three questions that the Varma case runs together: tenure, culpability and consequence. The Constitution answers only the first, ending a compromised judge's tenure. It says nothing about establishing guilt or imposing punishment, which is why resignation feels like an escape. Apply an incentive lens: if quitting halts the inquiry and preserves benefits, the rational move for a judge under a cloud is to resign early, exactly the behaviour accountability should discourage. The deeper tension is between independence and accountability. The steep removal bar exists to protect judges from executive pressure, a genuine constitutional value, but the same steepness makes accountability almost impossible, so the answer cannot be to weaken independence. It must be to add mechanisms, an inquiry that survives resignation, financial consequences and criminal follow-through, that operate alongside the constitutional route rather than replacing it.

THE DIAGRAM IN WORDS

Cash found at judge's residence -> in-house committee finds merit -> removal motion admitted, statutory inquiry constituted under the 1968 Act -> judge resigns before the vote -> the inquiry, which needs a sitting judge, risks abating -> resignation not yet accepted, report to be tabled July 20 -> the gap is exposed: tenure can end, but culpability and consequence remain unaddressed -> reform points to a permanent accountability body, resignation-proof inquiry and financial and criminal follow-through.

WAY FORWARD

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- 1 **Make the inquiry survive resignation.** Amend the Judges (Inquiry) Act so that a duly constituted inquiry can be completed and its findings recorded even after a judge resigns, at least for the limited purpose of establishing facts and consequences.
- 2 **Build a permanent accountability body.** Revive a version of the lapsed Judicial Standards and Accountability Bill idea, creating a statutory, independent mechanism to receive complaints and investigate misconduct short of removal.
- 3 **Attach financial consequences.** Provide that adverse findings can affect post-retirement pension and benefits, so resignation is not a costless exit.
- 4 **Pursue the criminal track in parallel.** Ensure that sanction for prosecution under anti-corruption law is not held hostage to the removal timeline, so that criminal liability is decided on its own merits.
- 5 **Give the in-house procedure a statutory footing.** Codify (<https://ujiyari.com/vocab/codify/>) the in-house mechanism to give it transparency, due process and defined outcomes, protecting both the complainant and the judge.

PYQ LINKAGE AND PRACTICE

UPSC has repeatedly probed judicial independence and accountability (2017: “Critically examine the procedure through which the Presidents of India and France are elected” tests constitutional processes; 2015: “Discuss the procedure to remove a judge of the Supreme Court and High Court and the mechanism for their appointment”; the National Judicial Appointments Commission debate has featured across years). This editorial refreshes the removal theme with the live 2026 Varma episode.

Practice question: “The Constitution provides for the removal of a judge but not for holding an errant judge accountable when he chooses to resign.” In light of recent events, critically examine the gaps in India’s judicial-accountability framework and suggest reforms. (15 marks, 250 words)

Sources: Indian Express (<https://indianexpress.com/section/opinion/>)

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