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EDITORIAL ANALYSIS

A Report That Outlives a Resignation: Judging the Judges

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POLITY**GS2**

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THE LIFT LINE

A judge is trusted to hold everyone else to account, which is exactly why the process that holds a judge to account must be seen to be both fair and unflinching.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

The report of the **statutory** (<https://ujjyari.com/vocab/statutory/>) inquiry committee into the cash-at-residence allegations against Justice Yashwant Varma, a former High Court judge, is expected to be placed before Parliament in the Monsoon Session even though he resigned before the process concluded. For **GS2**, this is a textbook study of the tension between judicial accountability and judicial independence, and of the exact constitutional machinery, the in-house procedure, the collegium and the removal process, that a democracy uses to police the highest offices of the judiciary.

GS Paper 2: structure, organisation and functioning of the judiciary; separation of powers; appointment and removal of judges; accountability and institutional integrity.

For **Prelims**, hold the specifics with care: a judge of the Supreme Court or a High Court can be removed only through the process in Articles 124(4) and 124(5), extended to High Court judges by Article 218, on grounds of proved misbehaviour or incapacity, by an address of each House supported by a special majority, with the inquiry governed by the Judges (Inquiry) Act, 1968. For **Mains**, argue that the judiciary's credibility rests less on the outcome of any single case than on whether its self-correcting mechanisms are visibly rigorous.

BACKGROUND AND CONTEXT

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The matter began when a large quantity of unexplained cash was reportedly discovered at the official residence of the judge, then serving in a High Court. The Chief Justice of India set the judiciary's own in-house procedure in motion, and the finding prompted a removal motion signed by a large number of Members of Parliament. A statutory inquiry committee was constituted under the Judges (Inquiry) Act, 1968, its authority was challenged and upheld, and the committee proceeded to examine the allegations.

The judge tendered his resignation to the President before the committee finalised its findings. The committee nonetheless completed its inquiry and submitted its report to the Speaker of the Lok Sabha, who has indicated it will be laid before the House. The central puzzle is therefore not partisan but institutional: what does the constitutional machinery do when the officer under scrutiny walks away from office midway, and what public purpose is served by tabling a report that can no longer end in removal.

THE CORE ARGUMENT / ISSUE

Two layers of accountability

Judicial accountability in India runs on two distinct tracks. The first is the informal, in-house procedure evolved by the Supreme Court itself, under which the Chief Justice can order a peer inquiry and, in a serious case, advise a judge to resign or recommend the constitutional removal route. The second is the formal removal process under the Constitution, which only Parliament can complete. The in-house track protects independence by keeping the first response within the institution; the formal track protects accountability by placing final judgment in the elected legislature.

Resignation does not erase the record

A resignation ends tenure, but it does not automatically extinguish the value of a completed inquiry. Laying the report before Parliament serves transparency: it puts the findings on the public record, informs any question of post-retirement benefits or future appointments, and signals that the institution followed its own process to the end rather than allowing exit to bury scrutiny.

QUESTION	CONSTITUTIONAL OR PROCEDURAL ANSWER
Who can remove a judge	Only Parliament, by special majority in both Houses
On what grounds	Proved misbehaviour or incapacity, Article 124(4)
Which law governs the inquiry	Judges (Inquiry) Act, 1968
What triggers the in-house probe	Chief Justice of India, on a credible complaint
Effect of resignation	Ends tenure, but a completed report can still be tabled

Accountability without chilling independence

The design deliberately makes removal difficult, because a judiciary that can be punished easily cannot rule fearlessly against the powerful. The challenge is to keep that high **threshold** (<https://ujiyari.com/vocab/threshold/>) while ensuring that genuine misconduct is neither ignored nor quietly settled. A visible, careful process is the way to hold both values at once.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Read the case as a test of whether an institution can discipline itself in public view without being captured by the political branches. The transferable rule: independence and accountability are not opposites to be traded off but conditions for each other, since a judiciary seen to shield its own loses the very legitimacy that independence is meant to protect. Judge the system not by whether one judge was removed but by whether the procedure was fair, complete and transparent.

THE DIAGRAM IN WORDS

Allegation against judge -> Chief Justice orders in-house inquiry -> adverse finding -> removal motion in Parliament + statutory committee under Judges Inquiry Act 1968 -> judge resigns mid-process -> committee still completes report -> report tabled in Parliament for the record -> transparency preserved without breaching independence

WAY FORWARD

- ① **Codify** (<https://ujiyari.com/vocab/codify/>) **the in-house procedure.** Give the judiciary's internal inquiry mechanism a clear statutory or rule-based footing so that its steps, timelines and disclosure norms are known in advance rather than improvised case by case.
- ② **Clarify the post-resignation path.** Settle in law what follows when a judge resigns during an inquiry, including whether findings affect pension or future office, so exit cannot be used to escape scrutiny.
- ③ **Strengthen a standing complaints mechanism.** Consider a credible, independent body to receive and screen complaints against judges, insulated from both executive control and internal reluctance.
- ④ **Protect independence throughout.** Ensure any reform keeps the high removal threshold and peer-led first response, so accountability is deepened without opening the bench to political pressure.

PYO LINKAGE AND PRACTICE

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UPSC has repeatedly examined judicial independence, the collegium system, and mechanisms of accountability for constitutional functionaries. This editorial ties those themes to a live 2026 controversy over process and integrity.

Practice question: “Judicial accountability and judicial independence are not competing values but mutually reinforcing ones.” Critically examine in the light of the constitutional process for the removal of judges. (250 words, 15 marks)

Sources: *The Indian Express* (<https://indianexpress.com/>), *LiveLaw* (<https://www.livelaw.in/>)

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