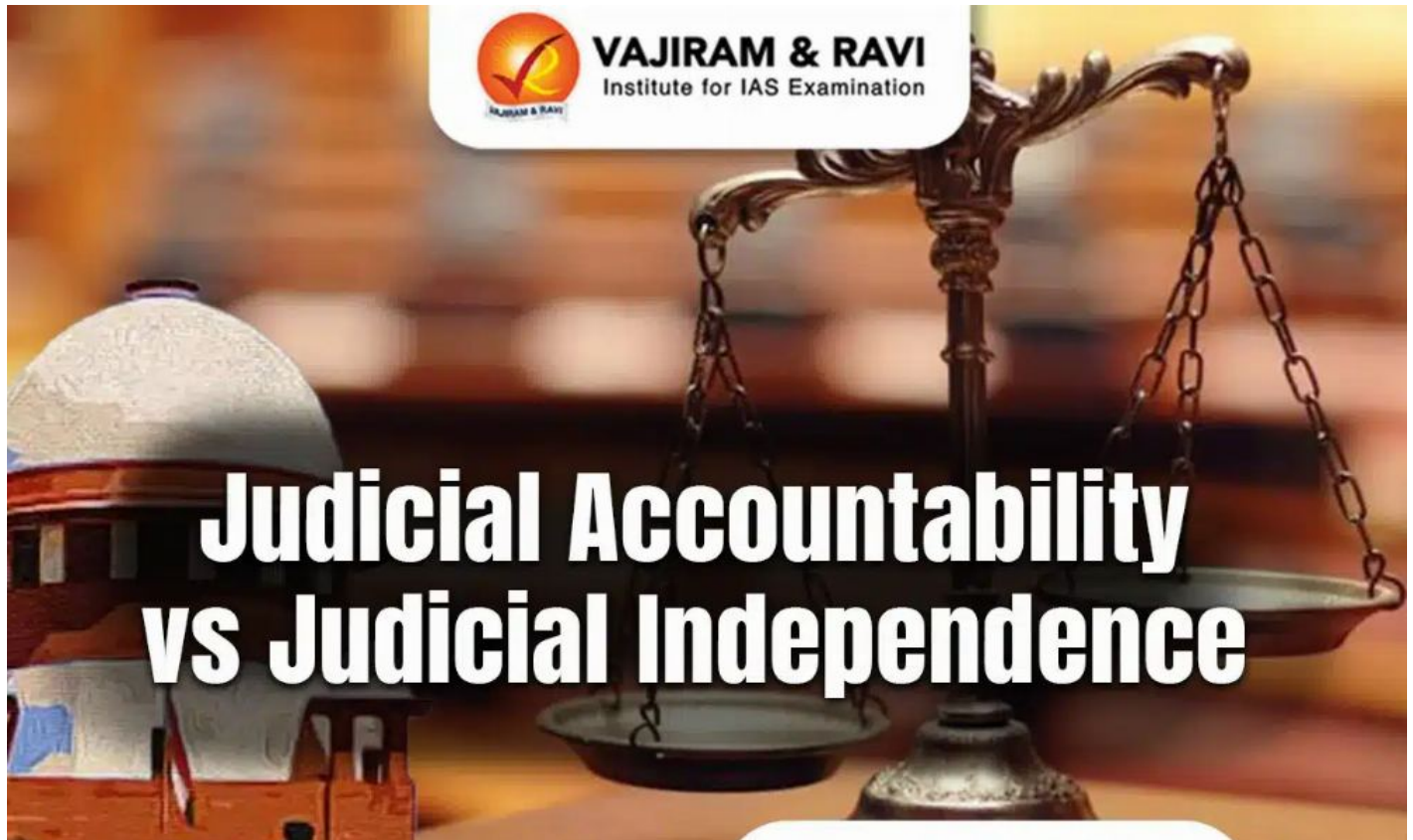


The Justice Yashwant Varma Case and the Legacy of the Veeraswami Judgment

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Judicial Accountability vs Judicial Independence Latest News

- Vice President Jagdeep Dhankhar recently **questioned** the constitutional validity of the **Supreme Court's in-house inquiry** into Justice Yashwant Varma, and called for **revisiting the K Veeraswami judgment**.
- This has **reignited a long-standing debate** on **judicial accountability** and the scope of **criminal prosecution** against judges.

Key Highlights of the Controversy

- **The Justice Yashwant Varma case:**
 - **Unaccounted cash** was found at the **residence** of Justice Yashwant Varma in March 2024.
 - Then a judge of the Delhi High Court, he was later **transferred** to the Allahabad High Court.
 - **An in-house inquiry** by the Supreme Court **indicted** Justice Varma.

- SC dismissed a petition seeking FIR and criminal investigation; **forwarded the inquiry report** to the **President** and **Prime Minister**.
- **Vice President's objections:**
 - Called the in-house inquiry **lacking constitutional or legal sanctity**.
 - Urged for an **FIR against the judge** and a **relook** at the K Veeraswami (1991) judgment, as the judgment has allegedly created a “**scaffolding of impunity**” for judges.

Judicial Independence vs Accountability

- **Constitutional provisions:**
 - **To protect judicial independence**, the Constitution allows **removal** of judges **only through** impeachment under **Article 124**.
 - Impeachment is a **political process** initiated by Parliament, which ensures due process for a judge.
 - However, in the **75 years** since the SC and the Constitution came into being, **not a single attempt at impeachment has been successful**.
- **In-house inquiry mechanism:**
 - **Origin:** Created by the Supreme Court to address complaints against judges outside the formal impeachment process.
 - **Procedure:** The CJI forms a panel to assess prima facie misconduct.
 - **Limitations:** Cannot enforce removal – can only recommend action or act as a precursor to impeachment.
 - **Powers of CJI:** Limited to transferring judges or withdrawing judicial work.

The Veeraswami Judgement (1991) - A Landmark in Judicial Prosecution

- **Background:**
 - Justice K Veeraswami, former Chief Justice of Madras High Court, was accused of possessing **disproportionate assets**.
 - **An FIR**, filed by CBI, was **challenged** in Madras High Court and later appealed to the Supreme Court.
- **Key legal questions:**
 - Can a judge be considered a public servant under the Prevention of Corruption Act (1947)?
 - Who has the authority to sanction prosecution against a sitting judge?
- **SC verdict (3:2 majority):** The SC held that while a judge can be considered a **public servant** for a corruption case to be registered against him, the **sanction must come from the CJI** (not the President or executive) to avoid executive overreach.
- **Implication:** Ensures **judicial independence** while permitting **limited criminal accountability**.

Post-Veeraswami Precedents

- **Rare use of provision:** Sanction for criminal proceedings against judges is rarely granted.
- **2019 precedent:** Then CJI Ranjan Gogoi allowed CBI to register an FIR against Justice S N Shukla (Allahabad HC) for favouring a private medical college.

- **Justice Gogoi's predecessor:** CJI Dipak Misra, had recommended the impeachment of Justice Shukla, but the government did not act on it.

Conclusion

- The Justice Varma episode and Dhankhar's critique signal **renewed tensions** between **institutional autonomy and public accountability**.
- While the judiciary has developed internal mechanisms like the **in-house inquiry** to preserve its independence, critics argue these mechanisms **lack transparency and enforceability**.
- **Revisiting** the Veeraswami **judgment** and **debating reforms** to allow responsible criminal investigation without executive interference could help **strike a better balance**.

Judicial Accountability vs Judicial Independence FAQs

Q1. What is the significance of the Veeraswami judgment (1991) in the context of prosecuting judges in India?

Ans. The Veeraswami judgment held that judges of the higher judiciary can be prosecuted under the Prevention of Corruption Act, but only with prior sanction from the CJI, ensuring judicial independence.

Q2. Why has Vice President Jagdeep Dhankhar questioned the constitutional validity of the in-house inquiry mechanism of the Supreme Court?

Ans. He argued that the in-house inquiry lacks constitutional and legal sanctity and cannot substitute for formal criminal investigation or impeachment proceedings.

Q3. What are the constitutional provisions related to the removal of High Court and Supreme Court judges in India?

Ans. Under Article 124(4) and Article 217, judges can only be removed through impeachment by Parliament for proven misbehavior or incapacity.

Q4. How does the in-house inquiry mechanism differ from impeachment in ensuring judicial accountability?

Ans. The in-house inquiry is an internal disciplinary process initiated by the CJI with limited powers, while impeachment is a formal constitutional process requiring legislative sanction.

Q5. What was the context and outcome of the FIR sought against Justice Yashwant Varma?

Ans. Following the recovery of unaccounted cash at his residence, an FIR was sought but dismissed by the Supreme Court, which cited the ongoing in-house inquiry and its report being sent to the President and Prime Minister.

Source: [IE](#)

Source: <https://vajiramandravi.com/current-affairs/the-justice-yashwant-varma-case-and-the-legacy-of-the-veeraswami-judgment/>

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