

Parliament Possesses Constitutional Right to Remove Judges, States Law Minister Amidst Varma Impeachment Buzz



Amidst growing discussions regarding the potential impeachment of Justice Yashwant Varma, Union Law Minister Arjun Ram Meghwal clarified on Friday, July 18, 2025, that the Indian Parliament unequivocally holds the constitutional authority to remove a Supreme Court or High Court judge. Meghwal emphasized that while Parliament possesses this right, the initiation of such a motion lies solely with Members of Parliament, with the government playing no direct role in the process.

The Law Minister's statements come as attention intensifies around Justice Varma, currently with the Allahabad High Court, following allegations of misconduct in a cash-related controversy. An in-house inquiry panel, constituted by then Chief Justice of India (CJI) Sanjiv Khanna, submitted its report in May, concluding that Justice Varma was guilty of misconduct. This finding stems from the discovery of partially burnt sacks containing currency notes at his Lutyens' Delhi residence after a fire incident on March 14, when he was a judge of the Delhi High Court. Justice Varma has denied all allegations, asserting that neither he nor any family member stored cash at the site.

In an interview, Meghwal stressed that "it is entirely a matter of the MPs. The government is not in the picture." He confirmed that some Members of Parliament have already shown interest in initiating the motion, highlighting the strictly legislative nature of the impeachment process. For a motion to impeach a judge to be initiated, it requires the backing of at least 100 members in the Lok Sabha or 50 members in the Rajya Sabha.

Justice Varma has since moved the Supreme Court, challenging the findings of the in-house inquiry panel and seeking to quash the recommendation by then CJI Khanna for his removal. He argues that the in-house procedure is a "parallel, extra-constitutional mechanism" that usurps Parliament's exclusive authority and erodes judicial independence, as the Judges (Inquiry) Act, 1968, provides for a comprehensive, legislatively sanctioned process with stringent safeguards.

Despite Justice Varma's legal challenge, the matter is expected to gain significant momentum in the upcoming Monsoon Session of Parliament, scheduled to begin on July 21. Parliamentary Affairs Minister Kiren Rijju has stated that efforts are underway to build cross-party consensus on the motion, with Congress leader Jairam Ramesh already confirming his party's support for the move. This collaborative approach from political parties underscores a shared commitment to upholding accountability within the judiciary.

The process of judicial impeachment in India, though never completed against any judge to date, is a crucial constitutional mechanism designed to ensure judicial accountability while safeguarding the independence of the judiciary. The unfolding developments around Justice Varma's case will be closely watched as Parliament prepares to address this sensitive issue.