



CJI forwards panel's inquiry report on Justice Varma to President, PM

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Context

- Chief Justice of India Sanjiv Khanna has forwarded to the President and the Prime Minister the in-house committee report on allegations about the discovery of partially burnt sacks of currency notes in a gutted storeroom of High Court judge Justice Yashwant Varma's earlier official residence in Delhi after a fire on March 14.
- Under **Articles 124 and 217** of the Indian Constitution, a Supreme Court or High Court judge can be **removed** by the President on grounds of '**proved misbehaviour**' or '**incapacity**'.
- The **Constitution does not define the terms 'proved misbehaviour' or 'incapacity'**.
- However, the **Supreme Court has clarified** through its judgments that actions such as **wilful misconduct, corruption, lack of integrity, or offences involving moral turpitude** constitute **misbehaviour**.
- **Incapacity** refers to a medical condition that includes **physical or mental limitations preventing the judge from performing duties effectively**

Process for removal of SC & HC judges

The procedure for removal of judges is elaborated in the **Judges (Inquiry) Act, 1968**, which requires:

- A **motion for removal** is to be signed by at least **50 members in the Rajya Sabha or 100 members in the Lok Sabha**.
- The **Chairman of the Rajya Sabha or the Speaker of the Lok Sabha** has the **discretion to admit or reject** the motion after consultation.
- If admitted, a **three-member committee** is constituted, comprising:
 - 1A Supreme Court Judge,
 - 2A High Court Judge, and
 - 3A distinguished jurist.
- The **committee investigates the allegations**. If the judge is cleared of misconduct or incapacity, the motion is dropped and not pursued further.
- Under **Article 217** of the Constitution, the motion to remove the judge must be supported by a **special majority of each House of Parliament**. A special majority is a majority of the **total membership of that House and a**

majority of at least two-thirds of the members of that House present and voting.

- The same procedure of removal applies to **Supreme Court judges under Article 124.**