



KAMARAJ IAS ACADEMY
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Corruption in Judiciary

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- With Chief Justice of India Sanjiv Khanna seeking the ascertainment of details of security guards and personal security officers posted at the residence of Justice Yashwant Varma in the past six months, the Chief Justice of the Delhi High Court, Justice D.K. Upadhyaya, has forwarded the query to the police.
- The CJI had also called for the call details and the Internet Protocol Detail Record of Justice Varma's mobile phone after the **alleged discovery of "sacks" of half burnt currency notes from a storeroom on the residential premises of the High Court judge.**



Removal Process of SC & HC Judges

- **Constitutional Provisions:** Article 124(4) and Article 218 provide the legal basis for the removal of Judges of the Supreme Court and High Court, respectively.
- **Criteria:** Removal is permitted only on grounds of **proven misbehaviour or incapacity.**
- The Constitution does not define the terms 'proved misbehaviour' or 'incapacity.'
- The Supreme Court has opined in various cases that **wilful misconduct** in office, **corruption**, **lack of integrity** or **any other offence involving moral turpitude** would constitute misbehaviour. Incapacity here means a **medical**

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condition that may include physical or mental incapacity.

- **The Judges Enquiry Act (1968)** regulates the procedure for removing an SC judge and an HC judge.

Initiation: Requires a **motion signed by at least 100 MPs in Lok Sabha (LS) or 50 MPs in RS**. The **Chairman/Speaker** may, after due consideration and consultation, **admit or refuse** to admit the motion. If admitted, a **three member committee (Committee of Inquiry)** would be constituted.

Committee of Inquiry:

- Comprises the **CJI or SC judge, a High Court CJ, and a distinguished jurist**.
- Investigates charges, frames allegations, examines evidence and cross examines witnesses.
- Report findings to the Speaker/Chairperson.

Parliamentary Vote:

- Each House must pass the motion with **at least two-thirds of the members present and voting and more than 50% of the total membership in favour**.
- If **both Houses agree, the President issues the removal order**.

Removal of Judges in India: Past Cases

- **Justice Ramaswami (1993):** Accused of financial impropriety. **Motion failed as LS abstained from voting**.
- Justice Soumitra Sen (2011): Guilty of corruption, impeached in RS but resigned before LS discussion.
- Justice S. K. Gangele (2015): Cleared by a committee on sexual harassment charges.
- Justice Pardiwala (2015): Motion dropped after controversial remarks on reservations were expunged.
- Justice C. V. Nagarjuna (2017): Accused of victimising a Dalit judge and financial misconduct. The motion failed due to insufficient signatures.
- Justice Dipak Misra (2018): The RS chairman rejected the motion at the preliminary stage.

Drawbacks in the process

- **No Success:** Despite six impeachment attempts, no judge has been impeached since independence.
- **High Bar for Removal:** The stringent voting requirement makes impeachment rare.
- **Political Nature:** The process often involves political negotiations and alliances.