



Removal of Judges

Published On: 09-12-2025

- INDIA bloc MPs plan to move an **impeachment motion** in Parliament against **Justice G.R. Swaminathan (Madurai Bench, Madras HC)**.

Impeachment of Judges – Prelims Key Points

Constitutional Basis

- **Article 124(4)**: Removal of Supreme Court judges.
- **Article 218**: Extends same procedure to High Court judges.
- **Judges (Inquiry) Act, 1968**: Procedural law.

Grounds for Removal

- **Proved Misbehaviour** – serious ethical/professional misconduct.
- **Incapacity** – physical or mental inability.

Impeachment Process

1. Initiating Motion

- Can be introduced in **Lok Sabha or Rajya Sabha**.
- Requires support of:
 - **100 MPs in Lok Sabha**, or
 - **50 MPs in Rajya Sabha**.
- Motion must be **admitted** by Speaker/Chairman.

2. Inquiry Committee

- Formed under Judges (Inquiry) Act, 1968.
- **3-member panel**:
 - A **Supreme Court judge / CJI**
 - A **Chief Justice of a High Court**
 - An **eminent jurist**
- Conducts **quasi-judicial inquiry**.

3. Report & Parliamentary Vote

- Committee submits report to originating House.
- If **guilty**, both Houses must pass the motion by:
 - **Special majority** =
 - **2/3rd present and voting**, AND
 - **Absolute majority** of total membership.

4. Presidential Order

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040
Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

- Once passed by Parliament, **President removes** the judge.

Important Facts

- **No judge in India has ever been successfully impeached.**
- Judge can **resign** anytime ? process ends.
- High threshold ensures **judicial independence**.

In-House Inquiry Procedure

Origin

- Introduced by the **Supreme Court in 1999** as an internal mechanism to address judicial misconduct.
- Emerged from **C. Ravichandran Iyer v. Justice A.M. Bhattacharjee (1995)**, where the Court highlighted:
- Absence of any internal disciplinary mechanism for judges.
- Need to handle misconduct that does not reach the constitutional threshold for impeachment under **Articles 124(4) and 218**.

Purpose

- Ensures **accountability within the judiciary** without involving the Legislature.
- Addresses misconduct **below the level of "proved misbehaviour"** (required for impeachment).
- Maintains **judicial independence** by providing a self-regulatory framework.
- Intended to preserve **public trust in the higher judiciary**.