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Impeachment of Judges in India

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Why in the News?

The **Opposition in Rajya Sabha** is preparing to move an **impeachment motion** against an **Allahabad High Court Judge** for **controversial remarks** inciting communal hatred.

Impeachment Process for Judges in India

Key Constitutional Provisions:

- **Article 124(4)**: A judge can only be removed through a **Presidential order**, which must follow a **majority vote** in both the **Lok Sabha** and **Rajya Sabha**.
- A **two-thirds majority** of members **present and voting** in both Houses is required to pass the impeachment motion.
- **Article 218** extends similar provisions to **High Court judges**.
- The impeachment process ensures **judicial independence** by imposing a high bar for removal, limiting **political influence**.

Grounds for Impeachment:

- A Supreme Court or High Court judge can be impeached on **two grounds**:

1. **Proved misbehaviour.**
2. **Incapacity.**

These are further clarified in the **Judges (Inquiry) Act, 1968**, which includes:

- Misuse of office.
- Grave offences undermining the judge's integrity.
- Contravention of constitutional provisions.

The Impeachment Process

1. Initial Step:

- The impeachment motion must be signed by at least **100 MPs** in the **Lok Sabha** and **50 MPs** in the **Rajya Sabha**.

1. Committee Formation:

- The **Speaker** or **Chairperson** forms a three-member inquiry committee:

1. **Headed by the Chief Justice of India** or a Supreme Court judge.
2. The second member is a **Chief Justice of any High Court**.

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3. The third member is a **distinguished jurist**, appointed by the Speaker/Chairman.

4. **Inquiry Process:**

- The committee investigates the charges, **cross-examines witnesses**, and regulates the procedure.
- In cases of **mental incapacity**, a **medical test** may be requested.

1. **Outcome:**

- If the committee finds the judge **not guilty**, the motion is dismissed.
- If the judge is **found guilty**, the report is sent back to the **House** for further action.

Instances of Impeachment in India

1. **1993: Justice V. Ramaswami (Supreme Court)** – Impeachment proceedings for financial impropriety. The motion was unsuccessful despite a **guilty finding**.
2. **2011: Justice Soumitra Sen (Calcutta High Court)** – Impeached for corruption but **resigned** before the Lok Sabha could act on it.
3. **2015: Justice S.K. Gangele (Madhya Pradesh High Court)** – Impeachment proceedings on charges of **sexual harassment**, but the committee **cleared him** in 2017.
4. **2015: Justice J.B. Pardiwala (Gujarat High Court)** – Impeachment for controversial remarks on **reservation**. The motion was dropped after the remarks were **expunged**.
5. **2017: Justice C.V. Nagarjuna (Andhra Pradesh & Telangana High Court)** – Impeachment proceedings for **financial misconduct** and **victimizing a Dalit judge**. The motion was not pursued.

The impeachment process for judges in India is a carefully structured procedure to ensure judicial accountability while maintaining judicial independence. It involves a **high threshold** for removal and safeguards against undue political interference. The process is rarely used, but when invoked, it is meant to address serious allegations against judges.