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Chief Justice of India – Impeachment YouTube Lecture Handouts for Competitive Exams (2021)

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- Impeachment was 1st used in British political system – implies charge someone with doing wrong
- Article 124 (for removal of Supreme Court judge) and Article 218 (for removal of High Court judge)
- Article 124 of Constitution makes the CJI head of the Supreme Court and provides for the manner of his removal.
- A person appointed as the CJI or any other judge of the Supreme Court can only be removed on the ground of “proved misbehavior or incapacity” before retirement due to age or resignation or death.
- “A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an *address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting* has been presented to the President in the same session for such removal on the ground of proved misbehavior or incapacity,”
- Impeachment of CJI or any other Supreme Court judge can be initiated in either House of Parliament. It requires a notice of motion issued by *100 MPs from the Lok Sabha or 50 MPs from the Rajya Sabha*.
- The notice can be presented to the Speaker or the Chairman of the House (Vice President) as the case may be.
- When the notice of the motion for Impeachment is accepted the Speaker or the Chairman forms a *three-member committee* to investigate the charges.

The Inquiry Committee Comprises

- Senior judge of the Supreme Court
- Chief justice of High Court
- A distinguished jurist

Now the motion of Impeachment is taken up by the concerned House of Parliament. The motion is then put to vote and the House must pass it by a special majority. This means that at least *two-thirds of the members present, which cannot be less than half of the strength of the House*, must vote in support of the motion of Impeachment.

If the motion is adopted by this majority, the motion will be sent to the other House for adoption.

Once the motion is adopted in both Houses, it is sent to the President, who will issue an order for the removal of the judge.

7 Cases So Far

- Dipak Misra - 2018
- SK Gangele – allegations of sexual harassment
- CV Nagarjuna Reddy – caste slurs and death threats to Dalit junior civil judge
- Soumitra Sen – misappropriating lakhs and misrepresenting facts
- PN Dinakaran – 16 charges of corruption
- JB Pardiwala - objectionable remarks on reservation
- V Ramaswami – 1st case in 1993 – spending extravagantly on renovating official home

5 Allegations on Dipak Misra

- The facts and circumstances relating to the Prasad Educational Trust case show prima facie evidence – he is involved in the conspiracy of paying illegal gratification.
- He dealt, on the administrative as well as judicial side, with a writ petition which sought investigation into a matter in which he too was likely to fall within the scope of investigation since he had presided over every bench which had dealt with the case and passed orders in the case of Prasad Educational Trust, and thus violated the first principle of the Code of Conduct for judges.
- He appears to have predated an administrative order which amounts to a serious act of forgery/fabrication.
- He acquired land when he was an advocate, by giving an affidavit that was found to be false and, despite the orders of the ADM cancelling the allotment in 1985, surrendered the said land only in 2012 after he was elevated to the Supreme Court.
- He has abused his administrative authority as master of roster to arbitrarily assign individual cases of advocates in politically sensitive cases to select judges in order to achieve a predetermined outcome.

