



Impeachment Process and Judicial Accountability in India

Prelims: [Article 124\(4\)](#), [Article 218](#), [Judges Inquiry Act 1968](#), [Bangalore Principles of Judicial Conduct 2002](#), [Restatement of Values of Judicial Life 1997](#), [Supreme Court](#), [High Court](#), [Parliament](#)

Mains: [Judicial Accountability in India](#), [Ethical Standards for Judges](#), [Independence of Judiciary and Accountability](#)

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Why in News?

Recently, an [impeachment motion](#) is being considered against a **sitting judge of the Allahabad High Court** following his **controversial remarks** at an event organized by a religious organisation. The remarks, deemed by many as communally charged, have raised concerns about **judicial propriety and impartiality**.

What is the Impeachment Process for Judges in India?

- **About:**
 - **Impeachment**, though **not explicitly mentioned in the Constitution**, refers colloquially to the process by which a judge can be removed from **office by Parliament**.
 - The impeachment process for judges in India serves as a crucial mechanism to uphold [judicial accountability](#) while preserving the independence of the judiciary.
- **Constitutional Safeguards and Grounds for Impeachment:**
 - **Article 124(4):** The article outlines the removal process for Supreme Court judges, which is applicable to High Court judges as per [Article 218](#). The grounds for impeachment are explicitly limited to **“proved misbehaviour” and “incapacity”**.
 - **Proved Misbehavior:** Actions or conduct by a judge that breaches the **ethical and professional standards** of the judiciary.
 - **Incapacity:** A judge's inability to perform judicial duties due to **physical or mental infirmity**.
- **Steps in the Impeachment Process:**
 - **Initiation of Motion:**
 - A motion for impeachment must be supported by at least **100 members** in the [Lok Sabha](#) or **50 members** in the [Rajya Sabha](#).
 - The **Speaker or Chairman** may review relevant materials and consult individuals before deciding whether to admit or reject the motion.
 - For example in 2018, the motion against Chief Justice Dipak Misra **was rejected** after due consideration.
 - This ensures that the process cannot be initiated casually or without significant support from elected representatives.
 - **Formation of an Inquiry Committee:**
 - Upon admission of the motion, the [Speaker](#) of the Lok Sabha or the Chairman of

the Rajya Sabha constitutes a **three-member committee** comprising:

- The Chief Justice of India or a Supreme Court judge.
- The Chief Justice of a High Court.
- A distinguished jurist.
- The committee conducts a thorough inquiry into the allegations, **gathering evidence** and examining witnesses to determine the validity of the charges.
- **Committee Report and Parliamentary Debate:**
 - The committee submits its findings to the **presiding officer** of the House where the motion was introduced. If the judge is found guilty of the alleged misconduct or incapacity, the report is debated in Parliament.
 - Both Houses of Parliament must approve the motion with a **special majority**, requiring:
 - A majority of the total membership of the House.
 - At least two-thirds of the members present and vote.
- **Final Removal by the President:**
 - Once the motion is adopted in both Houses it shall be presented to the **President** in the same session in which the motion has been adopted.
- **Checks and Balances:**
 - **High Thresholds for Impeachment:** The stringent requirements for initiating and approving an impeachment motion **protect against misuse** of the process.
 - **Objective Inquiry by Experts:** The inclusion of judicial and legal experts in the inquiry committee ensures a **fair and impartial investigation**.
 - **Parliamentary Oversight:** By involving both Houses of Parliament, the process **ensures accountability** through democratic scrutiny.
- **Instances of Impeachment Attempts:**
 - India has witnessed a few attempts at impeachment, with notable cases like those of **Justice V. Ramaswami (1993)** and **Justice Soumitra Sen (2011)**.
 - While none have resulted in a complete removal, these instances highlight the process's rigor and its role in upholding accountability.

What Guidelines Regulate Judges' Public Statements?

- **Freedom of Expression with Responsibility:** Judges, like all citizens, are entitled to freedom of speech and expression under **Article 19(1)(a)** of the Constitution. However, this right is **subject to reasonable restrictions** to maintain public order, morality, and the integrity of their office.
 - **Public statements** by judges must be **measured and avoid** any hint of bias or partiality, ensuring that they uphold the **dignity of their judicial office**.
- **Bangalore Principles of Judicial Conduct (2002)**
- **Restatement of Values of Judicial Life (1997)**
- **In-House Mechanisms for Judicial Conduct:** The judiciary has **internal protocols to address instances** where judges' public statements may be seen as inappropriate or controversial.
- **Specific Guidelines on Judicial Restraint:**
 - **Non-Interference in Political Matters:** Judges are expected to **abstain from commenting on political events** or policies to avoid being perceived as partisan.
 - **Refraining from Prejudging Cases:** Judges must avoid making statements about **ongoing cases or legal issues** that could be interpreted as prejudgment or bias.
 - **No Participation in Controversial Events:** Judges should **avoid participating in events or forums** that could appear to compromise their independence or align them with a specific ideology or group.
- **Supreme Court Observations:**
 - In **Justice C.S. Karnan's case (2017)**, the court highlighted the damage caused by a judge's public statements undermining the judiciary's integrity.
- **Challenges in Implementation Guidelines:**
 - **Lack of Codified Rules:** Some aspects of judicial behavior, such as **public statements**, **rely on conventions** rather than statutory regulations.
 - **Gray Areas in Freedom of Speech:** Balancing a judge's right to free expression with their responsibility to maintain judicial propriety is often **subjective**.

How can the Judiciary Uphold Impartiality in a Diverse Society?

- **Adherence to Constitutional Values:** The Constitution enshrines principles of **equality, justice, and secularism**, which serve as the judiciary's guiding framework.
 - Judges must interpret and apply these principles without prejudice or favor.
- **Ensuring Representation in the Judiciary:**
 - **Inclusive Recruitment:** Ensuring that judges from varied backgrounds, **including underrepresented communities**, are appointed to the bench.
 - **Gender Balance:** Encouraging greater **representation of women** in the judiciary to address gender biases in legal interpretation.
 - **Awareness of Marginalized Groups:** Judges must be trained to **recognize the challenges faced by minorities** and marginalized communities.
- **Education and Sensitisation of Judges:**
 - **Training on Diversity and Equality:** Judicial academies should regularly conduct programs on **cultural competence**, implicit bias, and sensitivity towards social diversity.
 - **Awareness of Historical Disparities:** Judges must understand the **systemic inequities** that exist within society and how these affect individuals' access to justice.
- **Objective Decision-Making:**
 - **Judicial decisions** must be based solely on facts, evidence, and applicable laws, without being influenced by the identities of the parties involved.
 - Judges must provide **well-reasoned judgments** that demonstrate their neutrality and adherence to the rule of law.
- **Addressing Systemic Biases in the Judiciary:**
 - **Review of Precedents:** Courts should critically **examine past judgments** to identify and address instances where biases may have influenced decisions.
 - **Equitable Interpretation of Laws:** Judges must ensure that laws are applied in a manner that **promotes equality and justice**, particularly for disadvantaged groups.
- **Proactive Measures to Protect Vulnerable Groups:**
 - **Social Justice Bench:** Special benches, such as the one established by the Supreme Court in 2014, focus on addressing **issues affecting marginalized** communities.
 - **Legal Aid and Pro Bono Services:** Ensuring **legal assistance** for economically weaker sections enhances inclusivity and impartiality.
- **The Role of Civil Society and Media:**
 - An informed **civil society and vigilant media** can act as watchdogs, ensuring that judicial impartiality is maintained.
 - **Constructive criticism** and scrutiny of judicial actions help reinforce accountability without compromising independence.

Conclusion

Maintaining impartiality and public trust is vital for the judiciary in a diverse democracy like India. Instances of controversial conduct underscore the need for **balancing judicial accountability with independence**. Robust impeachment mechanisms, adherence to constitutional values, and proactive measures like **training and inclusive representation** are essential to uphold the judiciary's integrity and reinforce its role as a guardian of justice and equality.

Drishti Mains Question:

Judicial accountability is essential to uphold the credibility and impartiality of the judiciary, especially in a diverse society like India. Comment.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains

Q1. Explain the reasons for the growth of public interest litigation in India. As a result, has the Indian Supreme Court emerged as the world's most powerful judiciary? **(2024)**

Q2. Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity, equity and inclusiveness. **(2021)**

Q3. Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to appointment of judges of higher judiciary in India. **(2017)**

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