



Removal of a High Court Judge

Why in News?

Recently, after the controversial statement of **Allahabad High Court judge**, an **impeachment motion** signed by 55 members has been introduced in **the Rajya Sabha** to remove him from his post.

Key Points

- **About the issue:**
 - The Judge had allegedly **made some communal remarks** at a **Vishwa Hindu Parishad** event in December 2024.
 - Under **the Judges Inquiry Act 1968**, 55 opposition MPs in the Rajya Sabha have given a notice to **introduce a motion to remove** Justice from the office of judge for his alleged misconduct.
- **Procedure for removal of Judges:**
 - Under **Articles 124 and 218**, judges of **the Supreme Court** and **High Courts** can be removed by **the President** on grounds of **“proven misbehaviour”** or **“incapacity”**.
 - **To remove this, a resolution must be passed** by both houses of the Parliament:
 - Majority of the total membership of the House.
 - **A special majority** of not less than two-thirds of the members present and voting at the same session .
 - The words **“proven misbehaviour”** and **“incapacity”** are not defined in the Constitution.
 - Misconduct, as interpreted by the Supreme Court, includes **wilful misconduct, corruption, lack of integrity or moral turpitude** .
 - **Incapacity** refers to a **physical or mental condition that impedes judicial functioning**.
- **Procedure under the Judges (Inquiry) Act, 1968:**
 - **Notice of Offer:**
 - For this , signatures of **at least 50 Rajya Sabha members or 100 Lok Sabha members are required**.
 - After consultation the Chairman or **Speaker** decides whether to accept the motion or not.
 - **Inquiry Committee constituted:**
 - If the proposal is accepted then **a three-member committee consisting of judges and a renowned jurist is formed**.
 - The committee investigates allegations of:
 - If **the judge is acquitted, the motion is dismissed**.
 - If **found guilty then the committee report** is sent to **the Parliament for voting**.
 - **Parliamentary approval:**
 - For **the President** to remove a judge , both the Houses will have to pass a resolution with a special majority.

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