

Concerns with Rejection of CJI's Impeachment

Why in news?

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Vice president of India has rejected the impeachment motion passed to remove the Chief Justice of India.

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What is the process of impeachment of the CJI?

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- **There is no specific provision in the constitution that deals with the impeachment of CJI.**

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- **CJI** like other judges of SC & HCs can be impeached on the ground of proved misbehaviour or incapacity under Article 124(4).

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- This process of impeachment is detailed in the Judges (Inquiry) Act, 1968.

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- **The act requires for a motion** to be signed by 50 members of Rajya Sabha (RS) or 100 members of Lok Sabha (LS).

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- If the motion is admitted, an inquiry committee consisting of a SC judge, a HC Chief Justice, and a distinguished jurist will probe the charges.

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- The accused judge has right to be heard during this period and the committee submits its report after considering from all points of view.

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- If the charges are proved, a new motion presented in each House of Parliament has to be passed by a majority and 2/3rds of those present and voting in the same session.

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- Finally, the President has to issue an order for removing the judge.

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What is the reasons for passing this motion recently?

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- Earlier in 2017, four senior most judges of the SC had blamed the present CJI for selectively allotting cases to preferred benches.

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- Following this, the CJI allocated most important public litigations matters to himself.

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- A verdict by SC bench declaring that the CJI is only a first among the equals as a judge.

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- But the bench also agreed that no one, even the fellow judges of SC can question the powers of CJI as the court's top administrator.

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- Final judgement confirmed that the CJI's dominance over the roster was necessary to protect the SC from anarchy.

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- These incidents pushed some Members of Parliament to call for impeaching the CJI through a motion.

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- This was eventually rejected by the Vice President also the Chairman of Rajya Sabha due to no proven misbehaviour.

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What are the concerns with the rejection of this motion?

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- For the first time in Indian history, an impeachment motion was rejected at the admission stage.

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- This decision was taken by the Presiding Officer of the Rajya Sabha, also the Vice president of India.

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- His decision is alarming as the PO has to remain impartial during the conduct of the house.

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- It is also distressing that he took the sole decision, instead of letting the inquiry committee decide upon the merit of the case.

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Source: Indian Express

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