

In-House Inquiry for Judicial Misconduct

Prelims - Indian Polity and Governance-Constitution, Political System, Panchayati Raj, Public Policy, Rights Issues, etc.

Mains (GS-II) - Important aspects of governance, transparency and accountability, e-governance)

Why in news?

The Chief Justice of India (CJI) has recently constituted an in-house committee to conduct an inquiry into allegations of misconduct against High Court Judge following the recovery of huge piles of cash at his residence.

In-house Inquiry

- A procedure of inquiry to probe into complaints of alleged misbehaviour against judges of the higher judiciary.
- **Developed by** - the Supreme Court.
- The resolution for in-house procedures for action against judges was adopted in 1999 and made public in 2014.

Inquiry procedure for High Court Judge

- When a complaint is made against a High Court judge, the Chief Justice of India (CJI) decides if it needs investigating.
- If an inquiry is deemed necessary, the judge's initial response along with comments of the Chief Justice of the concerned High Court are taken on record.
- **Three member committee** - Formed by the CJI, consisting of two Chief Justices from other High Courts and one High Court judge.

In case of a complaint against a Supreme Court judge, the committee would consist of three Supreme Court Judges.

- If the misconduct isn't deemed serious enough for removal, the judge is just informed.
- **Proven misconduct by the judge** - The judge will be asked to resign.
- In the event of the judge unwilling to resign, the President and the Prime Minister will be informed of the findings for Parliament to initiate action for removal as per provisions of the Constitution.

Reforms needed

- The key findings of the inquiry can be disclosed to instil transparency and confidence in the whole process.
- Ensuring criminal punishment when judges are found guilty.
- Establishing an autonomous investigation office similar to the UK's system.
- Reconsidering the National Judicial Appointments Commission (NJAC) to make the selection process more transparent and inclusive.

Reference

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