

Removal of High Court Justice

What is the issue?

\n\n

\n

- The parliamentary inquiry committee has concluded that Justice Shukla of the Allahabad High Court has committed judicial impropriety.

\n

- This now mandates his removal through a motion in both houses of the parliament (which is not called impeachment).

\n

\n\n

What is the case about?

\n\n

\n

- Justice Shri Narayan Shukla had come under adverse notice before a Supreme Court Bench headed by Chief Justice of India Dipak Misra last year.

\n

- The Bench had found that he had violated a restraining order from the apex court by allowing the GCRG Memorial Trust, Lucknow, to admit students.

\n

- Notably, allegations against him came to light from an FIR by the CBI against another medical college that tried to illegally influence public servants.

\n

- Consequently, CJI formed a three-member committee, comprising of three high court judges to enquire further about the impropriety in the case.

\n

- As, this committee too came up with an adverse ruling, the resignation or voluntary retirement of Mr.Shukla was expected, which hasn't been tendered.

\n

- This hence leaves no option but for him face the ignominy of a parliamentary action, for which the CJI too has given his approval.

\n

\n\n

How has these developments impacted the judiciary?

\n\n

\n

- While this development has rocked the entire judicial institution considerably with doubts being cast on their very credibility, one can't shy away from acting.

\n

- Hence, these need to be addressed expeditiously to restore faith, which the in-house proceeding seems to have done (considering that the case is obvious).

\n

- The possibility the current removal motion getting passed in Parliament looks bright, as there seems to be a clear apolitical tone to the entire proceeding.

\n

- This may have a sobering effect on those who desire that the institution be cleansed as well as those who feel there is an unwarranted onslaught on it.

\n

\n\n

How are judges in the higher judiciary removed?

\n\n

\n

- The process of removing a "HC or a SC judge" is too elaborate and somewhat cumbersome as it has considerable checks and balances.

\n

- A motion is mooted in the parliament and an inquiry committee is constituted to establish charges, which once established is put to vote.

\n

- The removal motion has to pass in both houses with a 2/3rd majority of those present and voting, which must also be greater than 50% of the total strength.

\n

- Significantly, no judge of the higher judiciary has ever been removed till now by means of such a parliamentary proceeding.

\n

\n\n

\n\n

Source: The Hindu

\n\n

\n

