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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