

Removal of High Court Justice

What is the issue?

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

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

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What is the case about?

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

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- 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.

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

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

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- 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.

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

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How has these developments impacted the judiciary?

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- 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.

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- 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).

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- 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.

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- 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.

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How are judges in the higher judiciary removed?

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

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

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

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

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Source: The Hindu

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