

INHOUSE COMMITTEE: POLITY

NEWS: Cash discovery row: CJI Khanna sends inquiry panel report on Justice Yashwant Varma to President, PM Modi

WHAT'S IN THE NEWS?

The Chief Justice of India has forwarded a report from an in-house panel investigating misconduct allegations against a Delhi High Court judge to the President and Prime Minister. This follows the judiciary's internal procedure, which can lead to impeachment if a judge refuses to resign after adverse findings.

Context and Current Development

- Chief Justice of India (CJI) Sanjiv Khanna has submitted the findings of an in-house committee to the President and the Prime Minister.
- The committee was formed to investigate allegations against a judge of the Delhi High Court.
- This step follows the Supreme Court's established in-house procedure for handling judicial misconduct outside the formal impeachment process.

In-House Procedure for Investigating Judges (Adopted in 1999)

- Purpose: Designed to deal with complaints of judicial misconduct internally without invoking the cumbersome impeachment route initially.
- Filing of Complaints:

- Complaints can be submitted by any individual to the CJI, the Chief Justice of the concerned High Court, or the President of India.
- Preliminary Inquiry Stage:
 - The Chief Justice of the relevant High Court seeks an explanation or response from the accused judge.
 - The findings and response are then forwarded to the Chief Justice of India.
- Formation of Fact-Finding Committee:
 - If the matter is serious, the CJI constitutes a three-member committee.
 - This includes two Chief Justices of different High Courts and one senior judge of a High Court.
- Role of the Committee:
 - It thoroughly investigates the allegations against the judge.
 - The committee submits a confidential report to the CJI with its findings and recommendations.
- Recommendations and Further Steps:
 - If the committee finds evidence of misconduct or incapacity, the CJI may advise the judge to voluntarily resign or take leave.
 - If the judge refuses, the report is forwarded to the President and Prime Minister of India for further constitutional action, potentially leading to impeachment.

Key Judicial Precedents Supporting the In-House Mechanism

- *K Veeraswami v. Union of India (1991)*:
 - A criminal case cannot be initiated against a sitting High Court or Supreme Court judge without prior approval from the CJI.

- Reinforces the protection offered to judges and ensures judicial independence.
- ADJ vs. Registrar General, MP High Court (2014):
 - Clearly held that if a judge does not resign even after adverse findings of an in-house committee, the report must be forwarded to the constitutional authorities to consider initiating impeachment proceedings.

Constitutional Mechanism for Removal of Judges

- Articles Involved:
 - Article 124(4): Deals with the removal of Supreme Court judges.
 - Article 217: Pertains to the removal of High Court judges.
- Grounds for Removal:
 - Limited to “proved misbehavior or incapacity.”
- Impeachment Process:
 - The process begins with a motion in either the Lok Sabha or the Rajya Sabha.
 - Requires support from at least one-third of the total membership and one-third of the members present and voting.
 - After the motion is adopted with a special majority, it is sent to the President.
 - The President issues an order for removal if both Houses of Parliament pass the motion.

Concluding Remarks

- The in-house procedure reflects the judiciary's commitment to self-regulation and accountability.

- It provides a balance between judicial independence and the need to maintain public confidence in the integrity of the judiciary.
- By forwarding the report to constitutional authorities, the process reinforces the robustness of India's legal and constitutional framework.

Source: <https://www.thehindu.com/news/national/cash-discovery-row-cji-khanna-shares-inquiry-report-judges-response-with-president-pm/article69553225.ece>