

CJI INQUIRY: POLITY

NEWS: ‘CJI not just a post office, has duty to forward materials on misconduct to Prez and PM’: SC on Justice Varma cash row plea

WHAT’S IN THE NEWS?

The Supreme Court has upheld the Chief Justice of India’s authority to initiate in-house inquiries into judicial misconduct under the Judges (Protection) Act, 1985, as a constitutionally valid administrative measure. This mechanism ensures judicial accountability without compromising judicial independence, since removal still requires parliamentary impeachment.

I. Context of the Case

- The **Supreme Court of India recently upheld** the authority of the **Chief Justice of India (CJI)** to initiate **in-house inquiries** into allegations of judicial misconduct.
- The case arose in the context of concerns over **judicial integrity and institutional accountability**, especially in the higher judiciary.
- The judgment reaffirmed that such an internal inquiry process is **not violative of judicial independence** and is a **permissible constitutional practice**.

II. Legal Basis – Judges (Protection) Act, 1985

- The **Supreme Court invoked the Judges (Protection) Act, 1985**, to justify the internal inquiry mechanism.

Key Provisions and Role:

- **Purpose:**
 - To **protect judges from civil or criminal liability** for acts done in the **course of their judicial duties**.
- **Scope:**
 - Offers a **legal shield** for judicial decisions taken in good faith.
 - Aims to **safeguard judicial independence** from undue pressure or fear of personal litigation.
- **Limitations:**
 - It is **not a disciplinary or punitive law**.
 - Does **not prevent internal accountability mechanisms** such as **in-house inquiries** or actions under other laws (e.g., impeachment).
- **Nature:**
 - The Act is **enabling** – it does not lay down any inquiry mechanism, but **permits the judiciary to evolve such mechanisms** internally to protect the institution’s integrity.

III. Supreme Court's Interpretation & Stand

- The Supreme Court clarified that the CJI's **administrative authority** allows initiating a **non-statutory in-house inquiry**.

Key Highlights:

- **No Statutory Backing Needed:**
 - Although the **in-house mechanism is not codified by law**, it is **constitutionally valid**.
- **Purpose:**
 - Aimed at **fact-finding, maintaining institutional integrity**, and **preserving public faith** in the judiciary.
- **Not a Punitive Process:**
 - The in-house inquiry **does not result in removal** of a judge.
 - Any action such as **removal must follow the constitutional impeachment process** under Article 124(4) or 217.
- **Balance of Values:**
 - The Court emphasized the need to **balance judicial independence with accountability**.
 - Such internal inquiries are **intra-judicial checks** that **do not interfere with adjudicatory independence**.

IV. Constitutional and Institutional Relevance

- The verdict reinforces the **delicate balance** between two vital constitutional principles:

1. Judicial Independence:

- Ensures judges are free from external influences in delivering justice.
- Protected through mechanisms like security of tenure, service conditions, and immunity under Judges (Protection) Act.

2. Judicial Accountability:

- Necessary to **uphold public trust and democratic legitimacy**.
- Mechanisms like **in-house inquiry** provide internal scrutiny without compromising autonomy.
- The judgment **endorses self-regulation** by the judiciary and supports **internal oversight** to **uphold public confidence**.

V. Related Laws and Mechanisms

A. Judges (Inquiry) Act, 1968

- **Statutory procedure for the removal of a judge of the Supreme Court or High Court.**

Key Features:

- **Initiation:**
 - A motion for removal must be signed by **100 Lok Sabha MPs** or **50 Rajya Sabha MPs**.
- **Inquiry Committee:**
 - Formed by the Speaker/Chairman under the Act.
 - Comprises a **Supreme Court judge, Chief Justice of High Court**, and a **distinguished jurist**.
- **Report & Parliament Process:**
 - If the committee finds the judge guilty of misbehaviour or incapacity, the report is laid before **both Houses of Parliament**.
 - **Special majority** in both Houses is needed to pass the motion for removal.
- **Transparency:**
 - Reports under the 1968 Act are **made public**, in contrast to **confidential in-house inquiry reports**.

B. In-House Mechanism (Administrative Procedure)

- **Not a statutory process** – evolved by the **judiciary itself**, particularly by the CJI.

Key Aspects:

- **Initiated by the Chief Justice of India** upon receipt of complaints against judges of the higher judiciary.
- **Fact-finding exercise** conducted by a panel of peer judges.
- **Cannot remove a judge** but may:
 - Recommend **resignation** or **voluntary retirement**.
 - Advise **withholding judicial work**.
 - **Refer the matter to the President or Parliament** if required.
- **Confidential Process:**

- In-house inquiry reports are **not disclosed publicly** unlike formal impeachment proceedings.

VI. Conclusion & Significance

- The judgment **strengthens internal judicial accountability** without affecting constitutional safeguards for judges.
- Recognizes the **CJI's administrative leadership role** in preserving **ethical standards** within the judiciary.
- Emphasizes the judiciary's **capacity for self-correction**, a vital aspect in maintaining public trust.

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