

# What is the Procedure for Removal of a Judge?

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## What is the Procedure for Removal of a Judge?

- **Constitutional provisions:** Under **Articles 124** and **217** of the Indian Constitution, a **Supreme Court** or **High Court judge** can be removed by the **President** on grounds of '**proved misbehaviour**' or '**incapacity**'. The motion must be passed in both Houses of Parliament:
  - By a **majority of the total membership** of the House, and
  - By a **two-thirds majority** of the members **present and voting** in the same session (special majority).
- The Constitution does **not define** the terms '**proved misbehaviour**' or '**incapacity**'. However, the **Supreme Court** has clarified through its judgments that actions such as **wilful misconduct, corruption, lack of integrity**, or offences involving **moral turpitude** constitute misbehaviour.
- **Incapacity** refers to a medical condition that includes **physical** or **mental limitations** preventing the judge from performing duties effectively.

## Detailed Procedure Under the Judges (Inquiry) Act, 1968

The procedure for removal of judges is elaborated in the **Judges (Inquiry) Act, 1968**, which requires:

- A **motion for removal** is to be signed by **at least 50 members** in the **Rajya Sabha** or **100 members** in the **Lok Sabha**.
  - The **Chairman of the Rajya Sabha** or the **Speaker of the Lok Sabha** has the discretion to **admit or reject** the motion after consultation.
  - If admitted, a **three-member committee** is constituted, comprising:
    - A **Supreme Court Judge**,
    - A **High Court Judge**, and
    - A **distinguished jurist**.
  - The committee investigates the allegations. If the judge is **cleared** of misconduct or incapacity, the motion is dropped and not pursued further.
  - If the committee finds the judge **guilty** of misbehaviour or incapacity, the report is tabled in **both Houses of Parliament**, where the motion must be passed by a **special majority**.
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## Q1. Who is the current CJI of the Supreme Court?

The current (Dec 2024) Chief Justice of India is Justice Sanjiv Khanna

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