

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:1683
ANSWERED ON:07.03.2013
IMPEACHMENT MOTION PROCESS
Nirupam Shri Sanjay Brijkishorilal

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government is considering a relook at the law which prevents a judge from resigning till any impeachment motion process is completed; and

(b) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) to (b) The removal of Judges by impeachment is governed by Article 124(4) read with proviso (b) to Article 124(2) and proviso (b) to Article 217 (1) of the Constitution. The Judges (Inquiry) Act, 1968 lays down the procedure for the removal of Judges of High Courts and the Supreme Court for proved misbehaviour or incapacity, by way of address of the Houses of Parliament to President.

The Government has initiated various judicial reforms. One of them is the 'Judicial Standards and Accountability Bill', which is presently under discussion in the Parliament. The Bill has a provision which stipulates that, in a case where an inquiry or investigation against the Judge has been initiated and such Judge demits office or resigns during such inquiry, the inquiry or investigation may be continued if the misbehaviour is serious in nature and requires to be investigated. Based on the finding of inquiry, the Central Government may take further action in the matter under the relevant Law for the time being in force. The Bill further provides that the Central Government may make rules, in consultation with the Chief Justice of India, to carry out the provisions of the Act.