

## Judging the Judges: Labyrinthian Impeachment process

1. A bench headed by Justices Surya Kant and J.B Pardiwala observed, “The way she has ignited emotions across the country. This lady is single- handedly responsible for what is happening in the country.”

2.Ever since the Supreme Court division bench made acidulous observations against suspended BJP spokesperson Nupur Sharma and her conduct, there has been a growing demand for the judges to withdraw the statements made in open court.

3. A judge (SC/HC) may be removed from office through a motion adopted by Parliament on grounds of ‘proven misbehavior or incapacity’.

4.The Constitution does not define ‘incapacity’ and ‘proved misbehavior. The Supreme Court itself has laid down that misbehavior is a wider term. Therefore, if, due to a judge’s conduct, the judiciary’s credibility has suffered, it can be considered Misbehavior .

5.Impeachment process is neither entirely political nor entirely judicial.

It is a fine and judicious blend of the two. Admission of the impeachment motion, constitution of inquiry committee, and its findings are in the nature of judicial processes. But the adoption of the motion by Parliament is certainly a political process, as members do vote along party lines.

6.The complexity of the impeachment process has ensured that no judge has been removed so far.

7. Justice V Ramaswami was the first Supreme Court judge against whom an impeachment was initiated and the Inquiry committee found the judge guilty but the motion was defeated in the Lok Sabha. It can be noted that Impeachment proceedings were initiated against a Supreme Court or High Court Judge 4 times in the history of the Supreme Court of India.

8. The procedure for removal of the Supreme Court judge is guided by Article 124(4) of the Constitution of India and the Judges (Inquiry) Act, 1968. Article 218 of the Constitution of India provides for the impeachment of High Court judges.