



## Removal of High Court Justice

### What is the issue?

\n\n

\n

- The parliamentary inquiry committee has concluded that Justice Shukla of the Allahabad High Court has committed judicial impropriety.
- This now mandates his removal through a motion in both houses of the parliament (which is not called impeachment).

\n

\n\n

### What is the case about?

\n\n

\n

- Justice Shri Narayan Shukla had come under adverse notice before a Supreme Court Bench headed by Chief Justice of India Dipak Misra last year.
- The Bench had found that he had violated a restraining order from the apex court by allowing the GCRG Memorial Trust, Lucknow, to admit students.
- Notably, allegations against him came to light from an FIR by the CBI against another medical college that tried to illegally influence public servants.
- Consequently, CJI formed a three-member committee, comprising of three high court judges to enquire further about the impropriety in the case.
- As, this committee too came up with an adverse ruling, the resignation or voluntary retirement of Mr.Shukla was expected, which hasn't been tendered.
- This hence leaves no option but for him face the ignominy of a parliamentary

action, for which the CJI too has given his approval.

\n

\n\n

### **How has these developments impacted the judiciary?**

\n\n

\n

- While this development has rocked the entire judicial institution considerably with doubts being cast on their very credibility, one can't shy away from acting.

\n

- Hence, these need to be addressed expeditiously to restore faith, which the in-house proceeding seems to have done (considering that the case is obvious).

\n

- The possibility the current removal motion getting passed in Parliament looks bright, as there seems to be a clear apolitical tone to the entire proceeding.

\n

- This may have a sobering effect on those who desire that the institution be cleansed as well as those who feel there is an unwarranted onslaught on it.

\n

\n\n

### **How are judges in the higher judiciary removed?**

\n\n

\n

- The process of removing a "HC or a SC judge" is too elaborate and somewhat cumbersome as it has considerable checks and balances.

\n

- A motion is mooted in the parliament and an inquiry committee is constituted to establish charges, which once established is put to vote.

\n

- The removal motion has to pass in both houses with a 2/3<sup>rd</sup> majority of those present and voting, which must also be greater than 50% of the total strength.

\n

- Significantly, no judge of the higher judiciary has ever been removed till now by means of such a parliamentary proceeding.

\n

\n\n

\n\n

**Source: The Hindu**

\n\n

\n



**IAS PARLIAMENT**  
*Information is Empowering*  
A Shankar IAS Academy Initiative