

64 Rajya Sabha MP passes CJI's impeachment motion, what now?



The Chief Justice of India (CJI) Dipak Misra is under line of fire as 64 MPs of the Rajya Sabha from seven political parties led by Congress, met Vice President Venkaiah Naidu and passed a motion for the Impeachment of the CJI.

After months of 'will they?' and 'they won't?', they finally did. A total of 71 parliamentarians of the Rajya Sabha had signed to pass an impeachment motion against CJI Dipak Misra; however, six of them are already retired leaving 64 signatories. To present the motion of impeachment, seven of the Opposition parties met with Vice President Venkaiah Naidu today and passed the motion to impeach CJI Dipak Misra with a total of five charges. The centre of the impeachment motion are the allegations that were raised in January when four Supreme Court judges publicly criticised the CJI and accused him of abusing his powers as 'master of the roster' and assigning of sensitive cases to handpicked judges. What happens now?

As per the Judges (Inquiry) Act, 1968 and the Judges (Inquiry) Rules, 1969 - any Supreme Court judge, including the CJI can be removed before retirement due to age or resignation or death which is called impeachment if specified procedure is followed thoroughly. As per the Act, the impeachment of CJI can be initiated in the Parliamentary House by passing a notice of motion issued by 100 MPs from the Lok Sabha or 50 MPs from the Rajya Sabha. In this case, a total of 64 sitting Rajya Sabha MPs from 7 political parties have signed the presentation which means the motion has cleared off its first stage. After passing the impeachment motion, it will be moved to the Speaker or the Chairman of the House.

The Speaker or the Chairman of the House can accept or reject the notice of the motion for Impeachment of the CJI or any other Supreme Court judge. If the request is accepted by the Speaker or Chairman of the House, a three-member inquiry committee will be formed to investigate on the charges and allegations. The inquiry committee will be made up of a senior judge of the Supreme Court, a judge of a high court and a distinguished jurist. If this committee finds the allegations to be truthful, then the process for the removal of the judge would begin. Meanwhile, the judge against whom the impeachment motion was passed, is allowed to defend themselves personally, or through a representative. If the motion receives two third majority in both houses, it is presented to the President for approval then, the CJI can be impeached.