

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE**

**LOK SABHA  
UNSTARRED QUESTION NO. 1075**

**TO BE ANSWERED ON FRIDAY, THE 25.07.2025**

**Reforms in Supreme Court Procedure**

**1075. Smt. D K Aruna:**

Will the Minister of **Law and Justice** be pleased to state:

- (a) whether legislative reforms are required in the Supreme Court's in-house procedure for addressing judicial misconduct; and
- (b) if so, the details thereof and steps being taken in this regard in consultation with experts, and if not, the reasons therefor?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY  
OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY AFFAIRS.**

**(SHRI ARJUN RAM MEGHWAL)**

(a) and (b): Article 124 (4) provides that "A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity." For Judges of the High Court, Article 217(1)(b) stipulates that "A Judge may be removed from his office by the President in the manner provided for in clause (4) of Article 124 for the removal of a Judge of the Supreme Court."

The procedure for investigation and proof of the misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President and for matters connected therewith” is laid down in the Judges (Inquiry) Act, 1968. Section 3 of the Act specifies:

“3. Investigation into misbehaviour or incapacity of Judge by Committee. —

(1) If notice is given of a motion for presenting an address to the President praying for the removal of a Judge signed, —

(a) in the case of a notice given in the House of the People, by not less than one hundred members of that House;

(b) in the case of a notice given in the Council of States, by not less than fifty members of that Council;

then, the Speaker or, as the case may be, the Chairman may, after consulting such persons, if any, as he thinks fit and after considering such materials, if any, as may be available to him, either admit the motion or refuse to admit the same.

(2) If the motion referred to in sub-section (1) is admitted, the Speaker or, as the case may be, the Chairman shall keep the motion pending and constitute, as soon as may be, for the purpose of making an investigation into the grounds on which the removal of a Judge is prayed for, a Committee consisting of three members of whom—

(a) one shall be chosen from among the Chief Justice and other Judges of the Supreme Court;

(b) one shall be chosen from among the Chief Justices of the High Courts, and

(c) one shall be a person who is, in the opinion of, the Speaker or, as the case may be, the Chairman, a distinguished jurist:”

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