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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

NOTIFICATION

New Delhi, the 8th September 1969

G.S.R. 2168.—In exercise of the powers conferred by sub-section (4) of section 7 of the Judges (Inquiry) Act, 1968 (51 of 1968), the Joint Committee constituted under sub-section (1) of that section, hereby makes the following rules, the same having been approved and confirmed by the Chairman of the Council of States and the Speaker of the House of the People, as required by sub-section (5) of that section, namely:—

1. **Short title, and commencement.**—(1) These rules may be called the Judges (Inquiry) Rules, 1969.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Difinitions.**—In these rules, unless the context otherwise requires,—

(a) "Act" means the Judges (Inquiry) Act, 1968 (51 of 1968);

(b) "Constitution" means the Constitution of India;

(c) "Form" means the form specified in the Schedule;

(d) "Inquiry Committee" means the Committee constituted under sub-section (2) of section 3;

(e) "motion" means the motion admitted under sub-section (1) of section 3;

(f) "section" means a section of the Act;

(g) words and expressions not defined herein but defined in the Act have the meanings respectively assigned to them in the Act.

3. **Presiding Officer.**—The member chosen under clause (a) of sub-section (2) of section 3 shall preside over the meetings of the Inquiry Committee, or, in his absence, the member chosen under clause (b) of sub-section (2) of section 3 shall preside over the meetings of the Inquiry Committee.

4. **Quorum.**—(1) Two members of the Inquiry Committee present at a meeting of the Inquiry Committee shall be the quorum for such meeting.

(2) No metting of the Inquiry Committee shall be held unless a quorum is present.

5. **Service on the Judge of the charges framed against him.**—(1) The Inquiry Committee shall issue a notice, by registered post acknowledgement due, to the Judge in Form I and shall enclose with the said notice—

(a) a copy of the charges framed by it under sub-section (3) of section 3, and

(b) the statement of the grounds on which each such charge is based.

(2) If the notice referred to in sub-rule (1) is accepted by the Judge, the Inquiry Committee shall file with its records the postal acknowledgement, or, where the postal acknowledgement has not been received back, the registration receipt granted by postal authorities.

(3) If the Judge concerned omits or refuses to accept the notice referred to in sub-rule (1), or, if he is not found at his last known address, the Inquiry Committee may order the publication, in such manner as it may think fit, of a notice requiring the Judge to appear at a specified time and place to answer the charges framed against him.

6. **Objection to charges.**—When the Judge appears, he may object in writing to the sufficiency of the charges framed against him and if the objection is sustained by the majority of the members of the Inquiry Committee, the Inquiry Committee may amend the charges and give the Judge a reasonable opportunity of presenting a fresh written statement of defence.

7. **Plea of Judge.**—(1) If the Judge admits that he is guilty of the misbehaviour, or suffers from the incapacity, specified in the charges framed against him under sub-section (3) of section 3, the Inquiry Committee shall record such admission and may state its findings on each of the charges in accordance with such admission.

(2) If the Judge denies that he is guilty of the misbehaviour, or suffers from the incapacity, specified in the charges framed against him under sub-section (3) of section 3, or if he refuses, or omits, or is unable, to plead or desires that the inquiry should be made, the Inquiry Committee shall proceed with the inquiry.

8. **Effect of non-appearance.**—If the Judge does not appear, on proof of service on him of the notice referred to in rule 5, or, upon publication of such notice, the Inquiry Committee may proceed with the inquiry in the absence of the Judge.

9. **Report of the Inquiry Committee.**—(1) Where the members of the Inquiry Committee are not unanimous, the report submitted by the Inquiry Committee under section 4 shall be in accordance with the findings of the majority of the members thereof.

(2) The presiding officer of the Inquiry Committee shall—

(a) cause its report to be prepared in duplicate,

(b) authenticate each copy of the report by putting his signature thereon, and

(c) forward, within a period of three months from the date on which a copy of the charges framed under sub-section (3) of section 3 is served upon the Judge, or, where no such service is made, from the date of publication of the notice referred to in sub-rule (3) of rule 5, the authenticated copies of the report to the Speaker or Chairman by whom the Committee was constituted, or where the Committee was constituted jointly by them, to both of them:

Provided that the Speaker or Chairman, or both of them (where the Committee was constituted jointly by them), may, for sufficient cause, extend the time within which the Inquiry Committee shall submit its report.

(3) A copy of the report of the Inquiry Committee, authenticated in the manner specified in sub-rule (2), shall be laid before each House of Parliament.

(4) Where the majority of the members of the Inquiry Committee makes a finding to the effect that the Judge is guilty of a misbehaviour or that he suffers from an incapacity, but the third member thereof makes a finding to the contrary, the presiding officer of the Inquiry Committee shall authenticate, in the manner specified in sub-rule (2), the finding made by such third member, in duplicate and shall forward the same along with the report submitted by him under section 4.

(5) An authenticated copy of the finding made by third member, referred to in sub-rule (4), shall also be laid before each House of Parliament.

(6) Where the majority of the members of the Inquiry Committee makes a finding to the effect that the Judge is not guilty of any misbehaviour or that he does not suffer from any incapacity, and the third member thereof makes a finding to the contrary, the Inquiry Committee shall not disclose the finding made by such third member to Parliament or to any other authority, body or person.

10. **Recording of evidence.**—(1) The evidence of each witness examined by the Inquiry Committee shall be taken down in writing under the personal direction and superintendence of the presiding officer thereof and the provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall, so far as may be, apply to the examination of any witness by the Inquiry Committee.

(2) A copy of the evidence, oral and documentary, received by the Inquiry Committee shall be laid before each House of Parliament along with the report laid before it under section 4.

11. **Facilities to be accorded to a Judge for his defence.**—(1) Every Judge for whose removal a motion has been admitted shall have a right to consult, and to be defended by, a legal practitioner of this choice.

(2) If the report of the Inquiry Committee contains a finding that the Judge referred to in sub-rule (1) is not guilty of any misbehaviour or does not suffer from any incapacity, then the Central Government shall reimburse such Judge to the extent of such part of the costs of his defence as the Inquiry Committee may recommend.

12. **Travelling and other allowances.**—(1) A member of the Inquiry Committee shall be entitled to travelling allowances for the journey from his usual place of residence to, and from, the place where any meeting of the Inquiry Committee is held and shall also be entitled to daily allowances in respect of tours undertaken by him in connection with any meeting of the Inquiry Committee.

(2) The travelling and daily allowances referred to in sub-rule (1) shall be payable at the rates admissible,—

(a) in the case of a member referred to in clause (a) of sub-section (2) of section 3, to a Judge of the Supreme Court;

(b) in the case of a member referred to in clause (b) of sub-section (2) of section 3, to a Judge of a High Court; and

(c) in the case of a member referred to in clause (c) of sub-section (2) of section 3, to a Judge of a High Court.

13. **Travelling and daily allowances to witnesses.**—(1) Every witness who is summoned to give evidence, or to produce a document or thing before the Inquiry

Committee, shall be paid travelling and daily allowances at such rates as the Inquiry Committee may determine.

(2) In determining the rates of travelling and daily allowances under sub-rule (1), the Inquiry Committee shall have regard to the rates at which travelling and daily allowances are payable to witnesses who are summoned to give evidence or to produce documents before a civil court in the State or Union Territory in which the witness gives evidence or produces any document or thing before the Inquiry Committee.

14. **Central Government to bear travelling and other allowances.**—The travelling and other allowances referred to in rules 12 and 13 shall be borne by the Central Government.

15. **Cost of medical examination etc.**—The costs of the medical examination of a Judge, made under sub-section (5) of section 3, shall be borne by the Central Government.

16. **Adoption, passing and transmission of address.**—(1) Where the Inquiry Committee, or the majority of the members thereof, makes a finding to the effect that the Judge is guilty of any misbehaviour or that the Judge suffers from an incapacity, the Secretary of the House of the People or the Council of States, as the case may be, shall prepare, in duplicate, an address in Form II.

(2) A copy of the motion admitted under sub-section (1) of section 3 shall be reproduced as an Annexure to such address.

(3) The Speaker, or in his absence the Deputy Speaker, or the Chairman, or in his absence the Deputy Chairman, as the case may be, shall fix a day for the consideration by the House of the People or the Council of States, as the case may be, of the address prepared under sub-rule (1), and such day shall be so fixed that the address may be supported by both Houses of Parliament in the same session.

(4) The address, prepared under sub-rule (1), and the motion, shall be put to vote together in each House of Parliament.

(5) If the address referred to in sub-rule (1) is supported by a majority of the total membership of the House of the People or the Council of States, as the case may be, and by a majority of not less than two-thirds of the members of that House present and voting, the address shall be transmited, as expeditiously as possible, to the other House of Parliament with a message to the effect that the address has been so supported.

(6) The Secretary of the House of the People or the Council of States, as the case may be, in which the address is so supported, shall, before transmitting the address to the other House, make the following certificate on the top of the address, namely:—

> "Certified that at a sitting of the House of the People/Council of States held on the ..... the under-mentioned address was supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the House present and voting at such sitting.
>
> Secretary".

(7) When the message referred to in sub-rule (5) is received by the House of the People or the Council of States, as the case may be, the Speaker, or in his absence the Deputy Speaker, or the Chairman, or in his absence the Deputy Chairman, as the case may be, shall fix a day for the consideration of the address which has been supported by the other House and such day shall be so fixed that the address may be supported by both Houses of Parliament in the same session.

17. **Presentation of address to the President.**—(1) When the address is supported by each House of Parliament by the majorities specified in clause (4) of article 124 of the Constitution, the Speaker, or in his absence, the Deputy Speaker, and the Chairman, or in his absence, the Deputy Chairman, shall separately prepare, in duplicate, the address as supported by both Houses of Parliament, and shall separately authenticate the same by appending thereon a certificate to the following effect, namely:—

"Certified that at a sitting of the House of the People/Council of States held on the ....., the address specified above was supported by the House of the People/Council of States by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the House present and voting at such sitting."

(2) A copy of the address, as authenticated in the manner specified in sub-rule (1), shall be separately presented by the—

(a) Speaker, or in his absence, the Deputy Speaker,

(b) Chairman, or in his absence, the Deputy Chairman, to the President as expeditiously as possible, and, in any case, before the expiry of the session in which the address is so supported.

(3) The duplicate copy of the authenticated address shall be kept in the House of the People or the Council of States, as the case may be, for its record.

THE SCHEDULE

[*See* rule 2(c)]

FORM 1

[*See* rule 5(1)]

To

Shri .....

Judge, Supreme Court of India/High Court at .....

Whereas a motion for presenting an address to the President praying for your removal from your office as a Judge of the Supreme Court/High Court at..... has been admitted by the Speaker of the House of the People/Chairman of the Council of States;

And whereas the Speaker or the Chairman, or both, has/have constituted an Inquiry Committee with me, a Judge of the Supreme Court of India, as the presiding officer thereof for the purpose of making an investigation into the grounds on which your removal has been prayed for;

And whereas the Inquiry Committee has framed charges against you on the basis of which investigation is proposed to be held;

You are hereby requested to appear before the said Committee in person, or by a pleader duly instructed and able to answer all material questions relating to the inquiry, on the ..... day of ..... at ..... O'clock in the forenoon/afternoon to answer the charges;

As the day fixed for your appearance is appointed for the final disposal of the charges levelled against you, you are requested to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Please take notice that in the event of any default in your appearance on the day afore-mentioned, the investigation into the grounds on which your removal has been prayed for, shall be made in your absence.

Given under my hand this day .....

Presiding Officer,
Inquiry Committee.

Enclosures:—

1. A copy of the charges framed under sub-section (3) of section 3 of the Act.

2. Statement of grounds on which each charge is based.

NOTE: Strike out the words which are not applicable.

FORM II

[*See* rule 16(1)]

Whereas a notice was given of a motion for presenting an address to the President praying for the removal of Shri ....., from his office as a Judge of the Supreme Court of India/High Court at ..... by ..... members of the House of the People/Council of States/both Houses of Parliament (as specified in the Annexure 'A' attached herewith);

And whereas the said motion was admitted by the Speaker of the House of the People/Chairman of the Council of States/both by the Speaker of the House of the People and the Chairman of the Council of States;

And whereas an Inquiry Committee consisting of—

(a) Shri ....., a Judge of the Supreme Court of India,

(b) Shri ....., Chief Justice of the High Court at ....., and

(c) Shri ....., a distinguished jurist, was appointed by the Speaker of the House of the People/Chairman of the Council of States/both by the Speaker of the House of the People and the Chairman of the Council of States, for the purpose of making an investigation into the grounds on which the removal of the said Shri ....., from his office as a Judge of the Supreme Court of India/High Court at ..... has been prayed for;

And whereas the said Inquiry Committee has, after an investigation made by it, submitted a report containing a finding to the effect that Shri ..... is guilty of the misbehaviour/suffers from the incapacity specified in such report (a copy of which is enclosed and marked as Annexure 'B');

And whereas the motion afore-mentioned, having been adopted by the House of the People/Council of States in accordance with the provisions of clause (4) of article 124 of the Constitution of India, the misbehaviour/incapacity of the said Shri ..... is deemed, under sub-section (3) of section 6 of the Judges (Inquiry) Act, 1968, to have been proved;

Now, therefore the House of the People/Council of State requests the President to pass an order for the removal of the said Shri ..... from his office as a Judge of the Supreme Court of India/High Court at .....

Speaker/Deputy Speaker of the House of the People.

Chairman/Deputy Chairman of the Council of States.

NOTE: Strike out the words which are not applicable.

ANNEXURE 'A'

[*See* rule 16(2)]

(A copy of the motion should be reproduced here)

ANNEXURE 'B'

(A copy of the report of the Inquiry Committee should be enclosed and marked as Annexure 'B').

[No. 50/5/CI/69.]

S. L. SHAKDHER, Secy.

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