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In RS, plea submitted to impeach Justice Sen

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NEW DELHI: With the Centre yet to act on Chief Justice K G Balakrishnan's recommendation for removal of Calcutta high court judge Soumitra Sen, 58 Rajya Sabha members came together on Friday to seek his impeachment on grounds of financial misconduct.

The MPs, from all major non-Congress parties including UPA members, submitted a petition to House chairman and vice-president Mohammad Hamid Ansari. The petition said the House resolved to pass the motion of impeachment of Justice Sen on two grounds — misappropriation of large sums of money, which he received in his capacity as receiver appointed by the High Court of Calcutta, and misrepresentation of facts with regard to misappropriation of money before the High Court of Calcutta.

MPs from BJP, CPM, CPI, NCP, RJD, AIADMK, TDP and JD(U) signed the petition, six months after the CJI wrote to the prime minister seeking his removal for alleged misappropriation of money.

"The CJI's suggestion should have been accepted, but there was no action on part of the government," CPM leader Sitaram Yechury told reporters. Asked how the Left Front government in West Bengal had given him a clean chit, he said, "on what basis are you assuming that the state government gave a clean chit.... that it did not give a report," he shot back.

Mr Yechury demanded establishment of a national judicial commission to consider appointment of judges and deal with all concerning matters including those relating to their misconduct. At present, the appointment of a judge is done on the basis of the recommendation of a collegium of judges.

The Congress, which refrained from being party to the petition, said the next step depended on the presiding officers of both Houses and the government. The signature of over 50 MPs of the Upper House is enough for admissibility of the motion for removal of a judge. A judge can be removed by the President on recommendation from both the Houses of Parliament under Article 124 (4) of the Constitution.

It requires the support of two-third majority in both Houses and the entire process has to be completed within the same session. With just three sittings left of the current session, a joint session will have to be called for immediate removal of the judge.

The only time an attempt was made to remove a judge was under the Congress regime in 1991 for impeachment of Justice V Ramaswamy. However, it failed to get the required support in the Lok Sabha.

Justice Sen was allegedly found to have indulged in financial

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misconduct prior to his elevation as high court judge in December, 2003, when he was a lawyer, in an internal inquiry held by the Chief Justice of India. He is alleged to have received Rs 32 lakh as a court-appointed receiver and deposited it in his personal account in a lawsuit between Steel Authority of India and Shipping Corporation of India.

Justice Balakrishnan had said he was seeking removal of Justice Sen as he had rejected the advice to resign or seek voluntary retirement after he had been found guilty of misconduct in an in-house inquiry.

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