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## 58 MPs seek permission to impeach Justice Sen

Special Correspondent

*Judge charged with misappropriating money*

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*CJI had written to the Prime Minister recommending Justice Sen's impeachment**He was asked to resign or seek voluntary retirement, but he refused to do both*

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NEW DELHI: Fifty-eight members of the Rajya Sabha, from across the political spectrum, submitted a motion to Chairman Hamid Ansari on Friday for the removal of Justice Soumitra Sen of the Calcutta High Court on grounds of misconduct.

The motion was filed under Article 217 of the Constitution, to be read with Article 124, and sought the leave of the Chairman to impeach the judge for "misappropriating large sums of money which he received in his capacity as receiver appointed by the High Court of Calcutta and misrepresenting facts with regard to the misappropriation before the High Court."

The signatories included Leader of the Opposition Jaswant Singh (BJP), Sitaram Yechury, Brinda Karat (both CPI-M), Satish Chandra Misra (BSP), D. Raja (CPI), Abani Roy (RSP), V. Maitreyan (AIADMK), Sharad Yadav (JD-U), M.V. Mysura Reddy (TDP), Birendra Prasad Baishya (AGP), Manohar Joshi (Shiv Sena), Bimal Jalan (Independent), Tariq Anwar (NCP) and Rajniti Prasad (RJD).

Releasing the contents of the motion at a press conference, Mr. Yechury said under the rule, 50 MPs of the Rajya Sabha could initiate an impeachment motion. The MPs resorted to this step as the government did not act on the letter of the Chief Justice of India to the Prime Minister on August 4, 2008 recommending Justice Sen's impeachment. Mr. Yechury said the Chairman assured the MPs that the request would be considered in the normal course.

Narrating the sequence of events, the CPI(M) leader said the Chief Justice in his four-page letter pointed out that Justice Sen was asked not to continue in his post on the basis of complaints of various acts of omission and commission. But Justice Sen decided not to step down.

The Chief Justice of India then appointed a three-member committee of the Chief Justices of

the Madras and Madhya Pradesh High Courts and a judge of the Rajasthan High Court. The 'in-house' procedure was to conduct a fact-finding enquiry and the panel, in its report on February 1, 2008, opined there was misappropriation of funds on three counts: one to the tune of Rs. 24.57 lakh, the second of Rs. 22.83 lakh and the third Rs. 25 lakh.

In the final report, the Chief Justice of India observed that the conduct of Justice Sen brought disrepute to the higher judiciary and dishonour to the institution, undermining the faith reposed by the public in the administration of justice.

Justice Sen was asked to appear before a collegium consisting of the Chief Justice and Justices B.N. Agarwal and Justice Ashok Bhan. After the hearing, the Calcutta High Court judge was asked to submit his resignation or seek voluntary retirement by April 2, 2008. However, on March 26, 2008, Justice Sen expressed his inability to do either.

"The ruling party should have accepted the recommendation of the Chief Justice of India. Since nothing has happened during the last six months, this initiative was taken," Mr. Yechury said.

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