



Impeaching HC judge: MPs take the first step

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New Delhi : Setting aside their political affiliations, leaders of different parties met Rajya Sabha Chairman Mohammad Hamid Ansari today and submitted a petition for the impeachment of Justice Soumitra Sen of the Kolkata High Court. Signed by 58 MPs, the petition, first reported in The Indian Express, seeks the removal of Justice Sen for financial misconduct.

The impeachment was recommended by Chief Justice of India Justice K G Balakrishnan through a letter to Prime Minister Manmohan Singh dated August 4, 2008 but the UPA government sat on it, the Law Minister suggesting that it wasn't interested in taking it forward.

Rules require that a minimum of 50 MPs sign the petition in the Rajya Sabha. Article 217, read with Article 124, provides that the resolution for the removal of a Supreme Court or a High Court judge, is supported by two-thirds of the members present and voting in each House of Parliament. The Rajya Sabha Secretariat will now verify signatures of members. Once satisfied, a committee will be set up for the consideration of the petition.

The delegation to the Chairman included Leader of the Opposition Jaswant Singh, Janata Dal (United) president Sharad Yadav, CPM leader Sitaram Yechury, BJP deputy leader Sushma Swaraj, CPI leader D Raja, NCP general secretary Tariq Anwar and CPM politburo member Brinda Karat.

The signatories include members belonging to BJP, CPM, CPI, AIADMK, Shiv Sena, RJD, BSP, Telugu Desam, NCP and the AGP. Some nominated members too have joined the drive.

When asked why no Congress member signed the petition, party spokesman and Rajya Sabha member Abhishek Manu Singhvi told The Indian Express: "I can't speak for individual MPs, but at least I have not been approached...Ultimately, the decision has to be taken by the Government."

Though packaged as a joint enterprise now, the initiative has come from the CPM. Before they took the plunge, senior CPM leaders are learnt to have reached out to BJP leaders to find out if they would be inclined to extend their support to them. Once the BJP gave its green signal, the signature drive got underway. Both parties decided to keep it a low-key non-party exercise to ensure that everybody comes on board.

On the face of it, today's petition may look like the first step towards impeaching Justice Sen but it's also being seen as the political establishment demanding judicial accountability. Said a senior leader: "Once we discuss the working of the judiciary, we would expose the hypocrisy of those who go in to our cases of disproportionate assets but are not prepared to even disclose their own assets." This will be the second attempt to impeach a judge, the first being an abortive move against Justice V Ramaswami of the Supreme Court.

Supreme Court.

Yechury told reporters later that Ansari has given an assurance to them that he would follow the requisite course. He said, "We hope, it (the petition) will be processed as soon as possible."

"We waited for six months for the Government to act after the Chief Justice of India had written to the Prime Minister recommending the impeachment of Justice Sen," Yechury added. "It is not a party issue — we have all signed up as members of Parliament," Sharad Yadav maintained.

The draft petition reads: "This House resolves to pass the motion for impeachment of Justice Soumitra Sen of Calcutta High Court on the following two grounds of misconduct: 1. Misappropriation of large sums of money which he received in his capacity as receiver appointed by the High Court of Calcutta. 2. Misrepresented facts with relation to misappropriation of money before the High Court of Calcutta.

The leaders have opted for the Rajya Sabha for the obvious reason — it is a permanent House. This would ensure that the petition would stay alive. In case of the Lok Sabha, the move would have collapsed along with the completion of term of the present House.

In his letter, the CJI had observed that an in-house inquiry committee had concluded that "the conduct of Justice Sen had brought disrepute to the high judicial office and dishonour to the institution of judiciary." The committee found that Justice Sen had indulged in financial misconduct prior to his elevation to the bench. He had kept Rs 32 lakh received by him as a court-appointed receiver in a case between the Steel Authority of India and Shipping Corporation of India in his personal account.