



# CURRENT AFFAIRS



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## PRELIMS BIT: REMOVAL OF THE JUDGES OF THE HIGHER JUDICIARY

### WHY IN THE NEWS?

Fifty-five Members of Parliament (MPs) from the Rajya Sabha have submitted a motion to remove a sitting judge of the Allahabad High Court. This move is significant as it underscores concerns regarding judicial accountability and independence, highlighting the rare and serious process of judicial removal in India.



### PROCEDURE FOR REMOVAL OF JUDGES OF HIGHER JUDICIARY

**Constitutional Provisions:** Articles 124 and 217 of the Constitution provide for the removal of Supreme Court and High Court judges.

**Grounds for removal:**

1. Proved misbehavior
2. Incapacity

**Role of the President:** The President removes the judge after a motion is passed in both Houses of Parliament.

**Parliamentary Approval:**

1. The motion must be passed:
2. By a majority of the total membership of that House.
3. By a special majority: At least two-thirds of members present and voting in the same session.

**Definition of Grounds:** The Constitution does not define the terms 'proved misbehavior' or 'incapacity.'

Supreme Court's Interpretation:

Misbehavior includes willful misconduct, corruption, lack of integrity, or moral turpitude.

Incapacity refers to medical conditions, including physical or mental incapacity.

### THE JUDGES (INQUIRY) ACT, 1968:

**Initiation of Motion:** It requires signatures from at least 50 members of the Rajya Sabha or 100 members of the Lok Sabha.

**Admittance of Motion:** After consultation, the Chairman (Rajya Sabha) or Speaker (Lok Sabha) may admit or reject the motion.

**Investigation by a Committee:** If admitted, a three-member committee is formed consisting of:

1. A Supreme Court judge
2. A High Court judge
3. A distinguished jurist

The committee investigates the charges.

**Committee Findings:**

If the judge is absolved of charges, the motion cannot proceed further.

If found guilty of misbehavior or incapacity:

The committee submits its report to Parliament.

**Final Parliamentary Approval:** The motion is debated in both Houses of Parliament. Each House must pass the motion with a **special majority**.

**Presidential Removal:** Once the motion is passed, the President issues an order for the removal of the judge.

**1950-2024: Till date no higher judiciary judge has been removed. following is the past attempts.**

### PAST REMOVAL ATTEMPTS:

Judge	Court	Year	Allegations	Outcome
Justice V. Ramaswami	Punjab & Haryana High Court	1993	Accused of <b>extravagant spending</b> on his official residence.	The motion failed as <b>Congress MPs abstained</b> from voting despite the committee finding him guilty.
Justice Soumitra Sen	Calcutta High Court	2011	Accused of <b>misappropriation of funds</b> . Refused to resign even after being found guilty.	Motion passed in <b>Rajya Sabha</b> but before Lok Sabha could vote, he <b>resigned</b> .
Justice P.D. Dinakaran	Sikkim High Court	2011	Accused of <b>corruption</b> during consideration for elevation to the Supreme Court.	Objected to committee member's bias; later <b>resigned</b> , alleging unfair treatment as he was Dalit.
Justice J.B. Pardiwala	Gujarat High Court	2015	Made <b>casteist</b>	Remarks were <b>expunged</b>

			<b>remarks on reservations in a sedition case.</b>	from the judgment; the motion did not proceed further.
<b>Justice S.K. Gangele</b>	Madhya Pradesh High Court	2015	Alleged <b>sexual harassment</b> by a woman employee.	The in-house committee found <b>insufficient material</b> to prove the allegations; the motion did not proceed.
<b>Justice C.V. Nagarjuna Reddy</b>	Andhra Pradesh & Telangana HC	2016-2017	Accused of <b>victimizing a Dalit judge</b> , casteism, and amassing wealth.	Both motions failed as <b>supporting MPs withdrew</b> , dropping below the required number of signatories.
<b>Justice Dipak Misra</b>	Chief Justice of India (CJI)	2018	Accused of <b>arbitrarily assigning cases</b> and showing preferential treatment to judges.	The motion was <b>rejected</b> by the Chairman, Venkaiah Naidu, as allegations related to internal matters.
<b>Justice S.N. Shukla</b>	Allahabad High Court	2018	Accused of involvement in a <b>medical college admission scam</b> .	Refused to resign; no cases were assigned until retirement. <b>CBI filed corruption charges in 2023.</b>

**PRELIMS QUESTION:**

**Q. With reference to the removal of the judges in the higher judiciary Consider the following statement:**

1. The judges of the Supreme Court and High Court can be removed on the same grounds.
2. The Constitution does not define the grounds given in the Constitution for the removal of the judges in the Higher Judiciary.
3. The removal procedure of the judges in the higher judiciary is a quasi-judicial procedure.

**How many of the above-given statements are correct?**

- A. Only one
- B. Only two
- C. All three
- D. None

**ANSWER: C**

# RTI ACT VITAL IN FOSTERING A CITIZEN-CENTRIC GOVERNANCE MODEL: DR JITENDRA SINGH

## WHY IN THE NEWS?

The 16th Annual Convention of the Central Information Commission was inaugurated at Bharat Mandapam by Union Minister Dr. Jitendra Singh. In his address, he highlighted the importance of the Right to Information (RTI) Act in promoting transparency, accountability, and good governance. The event, themed “Contribution of RTI in a journey towards Viksit Bharat,” underscored the government’s commitment to transparency, citing Prime Minister Narendra Modi’s principle of “Minimum Government, Maximum Governance” as a guiding force. The convention brought together Chief Information Commissioners, State Information Commissioners, senior government officials, and civil society representatives.



## RTI IN INDIA:

The Right to Information (RTI) Act of 2005 is a transformative legislation in India that allows citizens to access information from public authorities, promoting government transparency, accountability, and responsiveness.

Key Features of the RTI Act:

- 1. Access to Information:** Citizens can request information from public authorities on matters of public interest, including government records, policies, and actions.
- 2. Public Authorities:** The Act applies to central, state, and local governments, public sector enterprises, and NGOs funded by the government.
- 3. Time-Bound Response:** Authorities must respond within 30 days (or 48 hours in cases involving life or liberty). Delayed responses allow for appeals.
- 4. Exemptions:** Certain information, such as national security-related details or matters impacting privacy and investigations, is exempt. However, information may still be disclosed if deemed in the public interest.
- 5. RTI Fees:** A nominal fee (typically Rs. 10) is charged for filing applications, with additional costs for copies or printouts.



**6. Appeals and Complaints:** Dissatisfied citizens can appeal to a First Appellate Authority and, if unresolved, can approach the Central Information Commission (CIC) or State Information Commissions.

**7. Information Commissions:** These quasi-judicial bodies oversee RTI implementation, can order disclosures, and impose penalties for non-compliance.

#### **CENTRAL INFORMATION COMMISSION COMPOSITION AND MEMBERS:**

**1. Appointment:** The Central Information Commission consists of a Chief Information Commissioner and up to ten Information Commissioners. They are appointed by the President of India based on recommendations from a committee, which includes the Prime Minister (Chairperson), the Leader of the Opposition in the Lok Sabha, and a Union Cabinet Minister nominated by the Prime Minister.

**2. Chief Information Commissioner (CIC):** Appointed by the President of India for a term of 3 years or until 65 years of age, the Chief Information Commissioner oversees the CIC and handles RTI appeals.

**3. Information Commissioners:** Up to 10 members assist the CIC, with a term of 3 years or until 65 years of age.

**4. Qualifications:** Must be eminent in law, governance, or public administration. Must be impartial, with no political affiliations.

#### **KEY FEATURES OF THE RTI ACT:**

**1. Access to Information:** Citizens can request information from any public authority, which encompasses government departments, agencies, and government-funded NGOs.

**2. Transparency:** The Act aims to enhance transparency in government operations, ensuring that citizens are informed about governmental actions, decisions, and policies.

**3. Accountability:** It holds government bodies accountable to the public by mandating timely and accurate responses to information requests.

**4. Timely Response:** Public authorities must respond to RTI requests within 30 days. For requests concerning life or liberty, the response time is reduced to 48 hours.

**5. Written or Electronic Requests:** Citizens can submit RTI requests in writing or electronically, allowing for greater accessibility and convenience.

**6. Appeals:** If a citizen is dissatisfied with the Public Information Officer's response, they can appeal to the First Appellate Authority (FAA), and if still unresolved, escalate the matter to the Information Commission at the state or central level.

**7. Central/State Public Information Officer:** The Central Public Information Officer (CPIO) or State Public Information Officer (SPIO) is designated to handle RTI requests, ensuring the effective implementation of the Act by providing the requested information or directing requests to the appropriate authorities.

#### **RTI MILESTONE IN ACHIEVING CITIZEN-CENTRIC GOVERNANCE:**

**1. Empowering Citizens:** The RTI Act empowers citizens to request information from public authorities, promoting transparency and accountability. With over 6 million RTI applications filed annually, it encourages active public participation and ensures government actions are scrutinized, fostering a more informed citizenry.

**2. Mining Activity in Meghalaya:** RTI exposed illegal mining in Meghalaya, revealing environmental damage and prompting stricter regulations and government intervention.

**3. Puja Khedkar – RTI Activist:** Puja Khedkar used RTI to uncover fraud in government schemes, leading to the exposure of misappropriated funds and reforms to prevent corruption.

**4. Delivery of Public Goods (PDS):** RTI improved transparency in PDS, recovering over ₹200 crore of misallocated supplies in states like Rajasthan and Bihar, ensuring better food security.

**5. Making Local to Central Officials Accountable:** RTI holds officials accountable at all levels. In 2019, over 90,000 appeals were filed to the Central Information Commission, challenging non-disclosure of information.

**6. Upholding Fundamental Rights:** RTI ensures transparency in governance related to health, education, and welfare. The Supreme Court has upheld it as a key tool for protecting democratic rights.

#### **STIFLING RTI OVER THE YEARS:**

**1. Appointment and Tenure in Security (2019 Amendment):** The 2019 amendment to the RTI Act reduced the tenure of Information Commissioners and gave the government more control over their appointments, weakening the independence of the RTI regime.

**2. Delay in Appointment:** Delays in the appointment of Information Commissioners at central and state levels have created backlogs, causing slower responses and undermining the effectiveness of the RTI process.

**3. Misuse of Public Interest Provision:** The public interest provision of the RTI Act has been misused to deny information under the guise of national security or public interest, limiting transparency.

**4. Manpower Shortages:** The lack of adequate staff in the Information Commissions has led to significant delays in processing RTI requests and appeals, affecting the overall efficiency of the system.

**5. Denial of Information:** Many government departments, including the Ministry of Home Affairs, have increasingly rejected RTI requests or provided incomplete information, restricting access to vital data.

**6. High Penalties for Non-Compliance:** The imposition of hefty penalties on public authorities for non-compliance with RTI rules has led to a more defensive approach, with authorities either avoiding or delaying responses to requests.

**7. Increased Use of Exemptions:** Authorities have increasingly invoked exemptions like national security or foreign relations to avoid disclosing information, often without proper justification, limiting transparency.

#### **STRENGTHENING RTI:**

**1. Timely Appointments:** Ensuring timely appointments of Information Commissioners at both central and state levels can reduce backlogs and improve the efficiency of the RTI process.

**2. Restoring Independence:** Reversing the amendments that reduced the tenure of Information Commissioners and gave the government more control over appointments would help preserve the independence of the Information Commissions, which is crucial for ensuring transparency and accountability.

**3. Improved Training and Staffing:** Addressing the manpower shortages by increasing the number of trained staff within the Information Commissions would expedite the processing of RTI applications and appeals.

**4. Minimizing Misuse of Exemptions:** Ensuring that exemptions under the RTI Act are used judiciously and not as a blanket excuse to deny information would enhance the Act's transparency goals.

**5. Stronger Enforcement and Penalties:** Strengthening enforcement mechanisms and ensuring that penalties for non-compliance are effectively applied would reduce the tendency of public authorities to delay or withhold information.

**6. Public Awareness Campaigns:** Increasing public awareness about the RTI Act and its benefits can encourage more citizens to use the Act and hold public authorities accountable for their actions.

**7. Digitization of RTI Processes:** Digitizing the RTI filing and appeal processes can make it more accessible, reduce delays, and ensure greater transparency in handling requests.

#### **CONCLUSION**

The RTI Act remains a powerful tool for ensuring government transparency and accountability. However, over the years, various challenges have emerged that threaten its effectiveness, including delays in appointments, misuse of exemptions, and staffing shortages. By addressing these issues and strengthening the legal and procedural frameworks around the RTI Act, India can continue its journey toward a more

transparent and accountable governance system, ultimately achieving the goal of a “Viksit Bharat” (Developed India).

**PRELIMS QUESTION:**

**Q. With reference to the challenges facing the RTI Act, consider the following statements:**

1. Delays in appointing Information Commissioners have led to backlogs in processing RTI applications.
2. The 2019 amendment to the RTI Act has enhanced the independence of Information Commissioners.
3. A lack of manpower in Information Commissions is a significant challenge in the timely processing of RTI requests.

**How many of the above-given statements are correct?**

- A. Only one
- B. Only two
- C. All three
- D. None

**Answer: A**

**MAINS QUESTION:**

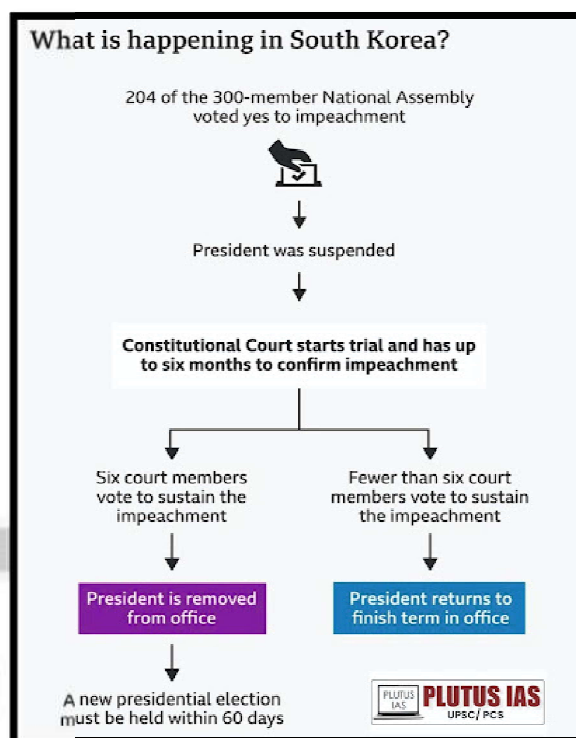
**Q. The Right to Information (RTI) Act is a crucial tool for promoting transparency and accountability in governance. In light of the challenges it faces, discuss the key issues stifling the RTI Act and suggest measures to strengthen its implementation. (250 words, 15 marks)**

Ritik singh

## PRELIMS BIT: PRELIMS BIT: IMPEACHMENT OF THE PRESIDENT

**WHY IN THE NEWS?**

South Korean President Yoon Suk Yeol has been impeached by lawmakers following his controversial declaration of martial law, which led to mass public outrage and a constitutional crisis. In a significant vote held in the 300-member National Assembly, 204 lawmakers supported the impeachment motion, while 85 voted against it. As a result, President Yoon’s powers have been suspended pending a review by the Constitutional Court. This development underscores the growing political tension in South Korea and the backlash caused by the president’s decision to impose martial law.



### **SOUTH KOREAN PRESIDENT IMPEACHMENT PROCEDURE:**

#### **Initiation by the National Assembly:**

**Proposal:** An impeachment motion against the president requires the support of a majority of the total members of the National Assembly.

**Approval:** To pass the motion, at least two-thirds of the total members (200 out of 300) must vote in favor.

#### **Suspension of Presidential Powers:**

Once the impeachment motion is passed, the president's powers are immediately suspended pending the outcome of the judicial review.

#### **Review by the Constitutional Court:**

**Timeline:** The Constitutional Court is required to render a decision within 180 days of receiving the impeachment case.

**Decision Requirement:** At least six of the nine justices must concur to uphold the impeachment.

**Outcome:** **Removal from Office:** If the Constitutional Court upholds the impeachment, the president is removed from office, and a presidential election must be held within 60 days.

**Reinstatement:** If the court overturns the impeachment, the president is reinstated with full powers. This process ensures a system of checks and balances, allowing for the removal of a president who has violated the Constitution or other laws, while also providing safeguards against arbitrary or politically motivated actions.

### **INDIAN PRESIDENT IMPEACHMENT PROCEDURE:**

<b>CRITERIA</b>	<b>PROCESS</b>
<b>Constitutional Basis</b>	Governed by Article 61 of the Constitution. Grounds: Violation of the Constitution. The process involves both Lok Sabha and Rajya Sabha.
<b>Initiation of</b>	Can be initiated in either House of Parliament.



<b>Impeachment</b>	Requires a notice signed by at least one-fourth of the total members of that House. Grounds: Clear statement of violation of the Constitution.
<b>Investigation and Charges</b>	After receiving the notice: A committee may be formed to investigate the charges. If sufficient grounds are found, charges are presented in writing.
<b>Voting Procedure</b>	First Stage (Rajya Sabha): Requires a two-thirds majority of members present and voting. Second Stage (Lok Sabha): The resolution requires a two-thirds majority of members present and voting.
<b>Final Outcome</b>	If both Houses pass the resolution: The President is impeached. The President ceases to hold office immediately.
<b>Historical Context</b>	No President has been successfully impeached so far. Attempts were made against Presidents like Zakir Husain and Giani Zail Singh, but they did not succeed.
<b>Conclusion</b>	Ensures accountability while preventing arbitrary removal of the President. Uphold's constitutional safeguards and due process.

### COMPARISON OF IMPEACHMENT PROCESS BETWEEN INDIA AND SOUTH KOREA

<b>CRITERIA</b>	<b>INDIA</b>	<b>SOUTH KOREA</b>
<b>Governing Law</b>	Article 61 of the Indian Constitution.	Article 65 of the South Korean Constitution.
<b>Grounds for Impeachment</b>	Violation of the Constitution.	Violation of the Constitution or other laws.
<b>Initiation</b>	Can be initiated in either House of Parliament. – Notice signed by 1/4 of members of that House.	Initiated in the National Assembly. – Requires a majority vote to propose impeachment.
<b>Voting Threshold in Legislature</b>	Passed with a two-thirds majority in both Houses: Lok Sabha and Rajya Sabha.	Requires two-thirds approval of the total members of the National Assembly (200/300).
<b>Investigation Process</b>	A committee may be formed to investigate the charges before presenting them formally.	No separate investigation by the legislature; case directly proceeds to the Constitutional Court.
<b>Judicial Review</b>	No direct judicial review; the process is fully carried out by Parliament.	The Constitutional Court reviews the impeachment case. – Must decide within 180 days.
<b>Final Decision Authority</b>	Parliament (Lok Sabha and Rajya Sabha).	Constitutional Court (requires approval of 6 out of 9 judges).

<b>Immediate Impact</b>	The President remains in office until both Houses pass the resolution.	The President's powers are immediately suspended once the motion is passed in the Assembly.
<b>Outcome</b>	If impeachment passes in both Houses, the President ceases to hold office immediately.	If upheld by the Constitutional Court, the President is removed; otherwise, reinstated.
<b>Historical Instances</b>	No Indian President has been successfully impeached to date.	One significant impeachment: President Yoon Suk Yeol in 2024

**KEY DIFFERENCES:**

**Judicial Involvement:** In South Korea, the Constitutional Court plays a crucial role, whereas in India, Parliament alone decides the outcome.

**Immediate Suspension:** In South Korea, the President's powers are suspended once the motion passes the National Assembly; in India, the President remains in office until the entire process concludes.

**Threshold for Initiation:** South Korea requires a simple majority for initiation, whereas India requires support from one-fourth of the members of the initiating House.

**PRELIMS QUESTION:**

**Q. Which of the following statements is correct with respect to the impeachment of the President of India?**

1. The president of India is impeached only on the grounds of violation of the constitution.
2. The president of India can be impeached by the Lok Sabha Only.
3. To impeach, the president of India substantive motion must be moved before the House.

**How many of the above-given statements are correct?**

- A. Only one
- B. Only two
- C. All three
- D. None

**ANSWER: B**

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