

Examrace

Competitive Exams: Political Science Study Material Maintain impartiality in SC

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Safeguards for Maintaining the Impartiality of Supreme Court Judges

The hallmark of any judiciary is impartiality and for this the independence of Judges is a must. The independence of the Judges of Supreme Court is sought to be secured by the Constitution in a number of ways:

- The President shall have to consult the Chief Justice of India before appointing a person a Judge of the Supreme Court.
- Once appointed, a judge of the Supreme Court can only be removed from office by the President, on the basis of the resolution passed by both the Houses of Parliament separately with a majority of not less than two-third of the members present and voting, on the ground of proved misbehaviour or incapacity.
- The salaries and allowances of the Judges of the Supreme Court and the administrative expenses of the Court are charged on the Consolidated Fund of India, and are not subject to the vote of the Parliament.
- The salaries and allowances of the Judges of the Supreme Court cannot be varied to their disadvantage except during a financial emergency.
- The conduct of a Judge of the Supreme Court cannot be discussed in the Parliament, except on the resolution for his removal.
- After retirement, a Judge of the Supreme Court is prohibited from practising or acting as a Judge in any court or before any authority in India. The only exception is when the Chief Justice of India appoints a retired judge of the Supreme Court to act as an ad hoc Judge of the Supreme Court.

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