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Q46

Consider the following statements: 1. The motion to impeach a Judge of the Supreme Court of India cannot be rejected by the Speaker of the Lok Sabha as per the Judges (Inquiry) Act, 1968. 2. The Constitution of India defines and gives details of what constitutes 'incapacity and proved misbehaviour' of the Judges of the Supreme Court of India. 3. The details of the process of impeachment of the Judges of the Supreme Court of India are given in the Judges (Inquiry) Act, 1968. 4. If the motion for the impeachment of a Judge is taken up for voting, the law requires the motion to be backed by each House of the Parliament and supported by a majority of total membership of that House and by not less than two-thirds of total members of that House present and voting Which of the statements given above is/are correct? (a) 1 and 2 (b) 3 only (c) 3 and 4 only (d) 1, 3 and 4 Official key: C.

UPSC Civil Services Prelims 2019 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a)**

(a) 1 and 2. Statement 1 is false: under the **Judges (Inquiry) Act**, 1968 the Speaker/Chairman may refuse to admit an impeachment motion. Statement 2 is false: the Constitution does not define 'incapacity' or 'proved misbehaviour'. So 1-and-2 is not the key.

(b)

(b) 3 only. Statement 3 is true - the Inquiry Act details the investigation process - but statement 4 is also true (the two-fold parliamentary majority in **Article 124**), so 3 only is incomplete and not the key.

(c) Official key

(c) 3 and 4 only. Process sits in the **Judges (Inquiry) Act**, 1968; removal still needs each House's **special majority** (majority of total membership and two-thirds of members present and voting). Statements 1 and 2 fail. This pair is the official key.

(d)

(d) 1, 3 and 4. Statement 1 fails because the Speaker can reject a motion that does not meet the Act's **admission** conditions, so this code is not the key.

Summary

Official key is (c) 3 and 4 only. **Article 124** gives the special-majority removal rule; the 1968 Act supplies inquiry procedure. Misbehaviour and incapacity are undefined constitutional terms. The Speaker is not bound to admit every motion. Honour the stored letter (c).

Related possible facts

These can be asked in a future Prelims paper.

Article 124(4)

Removal of a Supreme Court judge

Judges (Inquiry) Act

1968

Admission

Speaker/Chairman discretion if conditions unmet

Special majority

Total membership + 2/3 present and voting

Askable twin

Justice V. Ramaswami impeachment episode

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