



## Double ignominy

### Highlights:

1. Outgoing U.S. President Donald Trump has entered the record books for being the only American President to be impeached twice.
2. The moment of ignominy came after the House of Representatives passed a motion of impeachment against him, this time for “incitement of insurrection,” following the assault on the U.S. Capitol building on January 6 by a violent pro-Trump mob.
3. His first impeachment, in September 2019, was for “abuse of power” and “obstruction of justice” over his dealings with Ukraine and attempts by Congress to investigate the same, yet he survived in office owing to a Senate acquittal.
4. Nevertheless, Senate Democrats have vowed to carry out the trial even after the fact, including not only a vote on convicting him for high crimes and misdemeanours but also potentially on barring him from running again.

### Background:

#### Impeachment of US President vs Indian President

What is impeachment?

Impeachment is the process by which a legislative body levels charges against a government official. Impeachment does not in itself remove the official definitively from office and is essentially the statement of charges against the official. Whereas in some countries the individual is provisionally removed, in others they can remain in the office during the trial. Once impeached, an individual must then face the possibility of conviction on the charges by a legislative vote, which is separate from the impeachment but flows from it. In the US, it means to bring charges in Congress that will form the basis for a trial.

The US constitution states a President "shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes or misdemeanours".

What is the process?

It happens in two stages.



The first stage is completed - Articles of impeachment (charges) were brought to the House of Representatives and passed.

Next step is in the Senate where a trial ought to be held, Chief justice of supreme will preside over trials. This is part of the checks and balances system of the US constitution. A team of lawmakers from the House, known as managers, play the role of prosecutors. The President has defence lawyers, and the Senate serves as the jury.



A trial is held in the Senate



After the trial, Senators vote on whether to convict the president

Less than two-thirds of the Senate vote to convict

Two-thirds (67%) of the Senate vote to convict

**President remains in office**

**President is removed from office**

In the Senate, a two-thirds vote is necessary for a president's removal - and this milestone has never been reached in US history.



## Impeachment process in India

1. As per Article 61, the President of India can be impeached on ground of violation of the Constitution. However what amounts to violation of the Constitution has not been defined.
2. The process of impeachment can begin in Lok Sabha or Rajya Sabha.
3. The charges for impeachment should be signed by 1/4 members of the house in which the process begins and a notice of 14 days should be given to the President.
4. The impeachment motion has to be passed by majority of not less than two-thirds of the total membership of the House .
5. Once passed in that house, the other house shall investigate the charges.
6. The President has the right to appear and be represented in case of such investigations.
7. If another house also sustains those charges, then it would again need to pass by the same majority when the President stands removed from the office on the date on which the motion is passed in another house.
8. Since it is a motion for removal of the president himself, no presidential assent is needed here.
9. No president of India has been impeached so far in India.

## Private space

**CruX:** Making public notices optional under the Special Marriage Act is a relief for interfaith couples.

### Highlights:

1. The Allahabad High Court ruling that people marrying under the Special Marriage Act, 1954, can choose not to publicise their union with a notice 30 days in advance removed one obstacle out of the way of couples wanting to marry against the wishes of their parents or their immediate community.
2. The court said that mandatorily publishing a notice of the intended marriage and calling for objections violates the right to privacy.



3. According to the new order, if a couple gives it in writing that they do not want the notice publicised, the Marriage Officer can solemnise the marriage.

### **Problematic law**

This new law declares conversion of religion by marriage to be unlawful, mandates a 60-day notice to the District Magistrate and also requires the Magistrate to conduct a police inquiry to find out the explicit reason for the conversion. Enacted last November, there have been 54 arrests till date by the U.P. police. The HC ruling can now be cited across India to prevent public notices under the Special Marriage Act.

### **Conclusion:**

Interfaith couples will hope that when the Supreme Court hears pleas on the U.P. conversion law, it will be guided by progressive verdicts, such as the 2017 Aadhaar ruling, on the right to privacy as a basic right, and the 2018 judgment on Hadiya, upholding the student's right to choose a partner, a Muslim man in Kerala, as an essential freedom.