

## Why in News?

In March 2025, a fire broke out in a storeroom at Justice Yashwant Varma's official Delhi residence, revealing piles of burnt and partially burnt notes, reportedly worth around ₹15 crore. An in-house inquiry committee formed by Chief Justice Sanjiv Khanna concluded that the judge had covert control over the storeroom and the cash- leading to recommendations for his impeachment. The Centre has commenced impeachment proceedings with over 145 Lok Sabha MPs and 63 Rajya Sabha MPs signing the motion, exceeding constitutional thresholds.



### What is Judiciary?

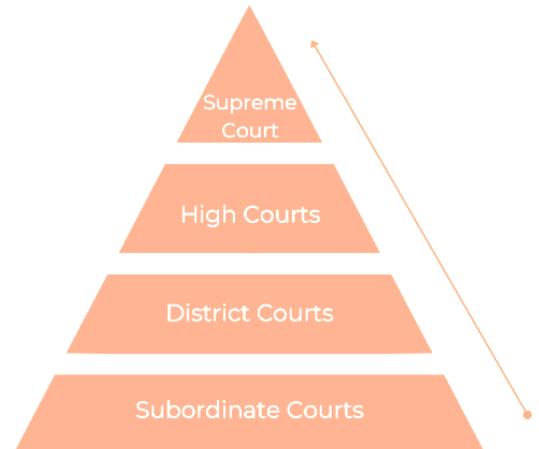
The Judiciary is the system of courts that interprets and applies the law in the name of the state. In India, it acts as the guardian of the Constitution and the protector of fundamental rights.

## Structure of Indian Judiciary

India has a single integrated judicial system, structured in three tiers:

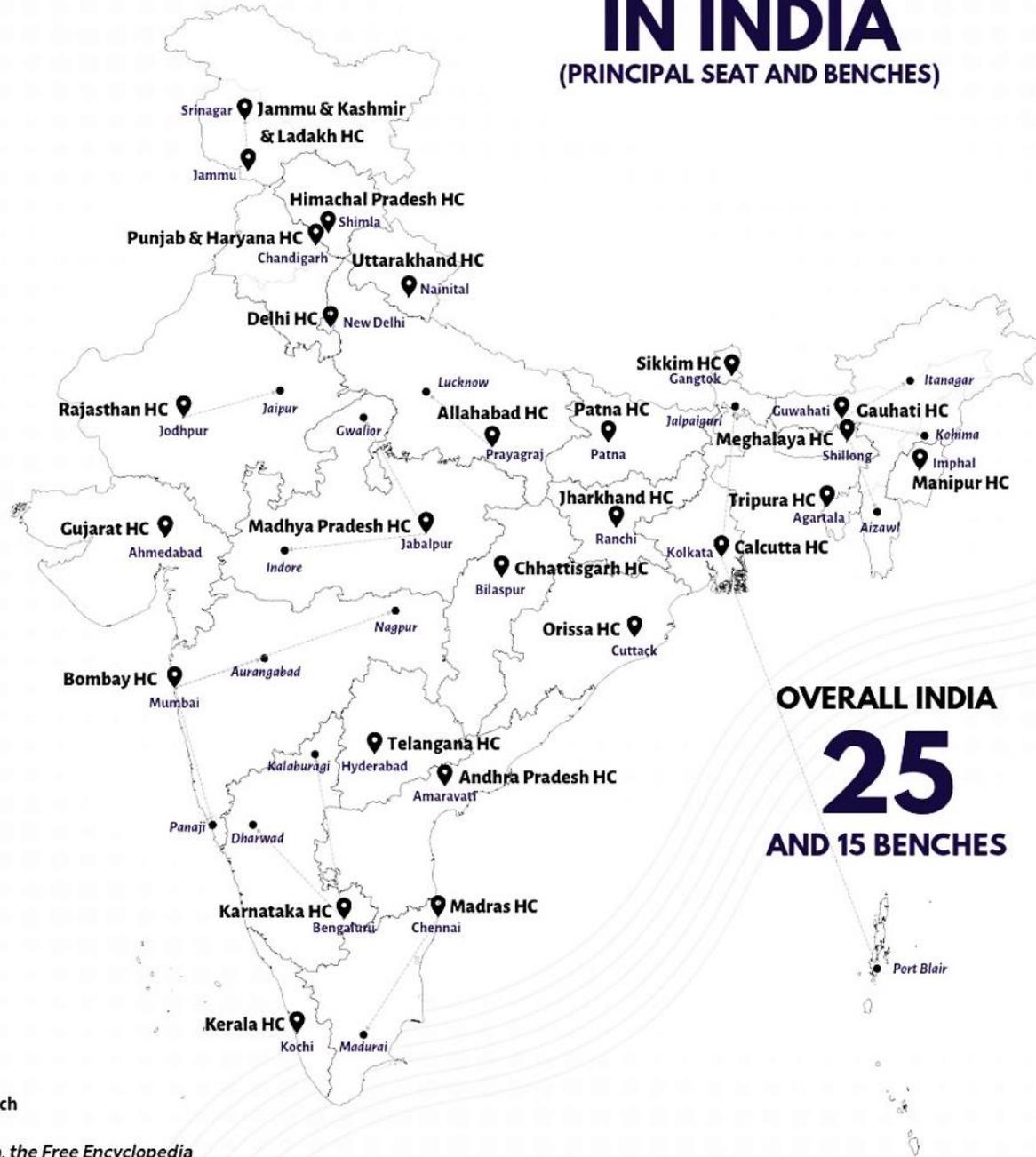
- Supreme Court of India (at the top)**  
 Head: Chief Justice of India  
 Jurisdiction: Original, Appellate and Advisory  
 Decisions are binding on all courts.
- High Courts (in states)**  
 Each state (or group of states) has a High Court.  
 Supervises subordinate courts.
- Subordinate Courts (District and lower courts)**  
 Include Civil Courts, Criminal Courts, Family Courts, etc.

## HIERARCHY OF COURTS IN INDIA



# HIGH COURTS IN INDIA

(PRINCIPAL SEAT AND BENCHES)



- 📍 Principal Seat
- Permanent Bench

Source: Wikipedia, the Free Encyclopedia  
Darker outline indicates jurisdiction of the High Court whereas lighter outline indicates State Borders.  
Areas in grey, if any indicate that data was not available for the State/UT.

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## Constitutional Provisions:

### Article 217(1)(b) – Removal of a High Court Judge

A High Court Judge can be removed from office by: As per the procedure in Article 124(4) (same as for Supreme Court judges).

## Article 124(4) – Procedure for Removal

Article 124(4) of the Indian Constitution lays down the procedure for the removal of a Supreme Court judge. The process is designed to be very difficult, to protect the independence of the judiciary. Here's a step-by-step breakdown in a simple way:

**Step 1: The President's Order** A Supreme Court judge cannot be removed directly by the Parliament. The final removal happens through an order from the President of India.

**Step 2: Parliament's Address** Before the President can issue this order, a "removal address" must be presented to the President. This address has to be passed by both the Houses of Parliament (Lok Sabha and Rajya Sabha).

**Step 3: The Special Majority** To pass this address, each house of Parliament needs to follow a specific voting rule, known as a "special majority":

- **Total Membership:** The resolution must be supported by a majority of the total number of members in that house. For example, if a house has 543 members, the resolution needs at least 272 votes.
- **Present and Voting:** In addition to the above, at least two-thirds of the members who are present and voting in that session must also support the resolution.

**Step 4: The Grounds for Removal** The address to the President can only be moved on two specific grounds:

- **"Proven misbehaviour":** This means the judge has been shown to have done something wrong in a proven manner.
- **"Incapacity":** This means the judge is not mentally or physically fit to continue in their role.

## Can Judiciary Initiate Impeachment?

No.  
Only **Parliament** has the power to initiate impeachment.

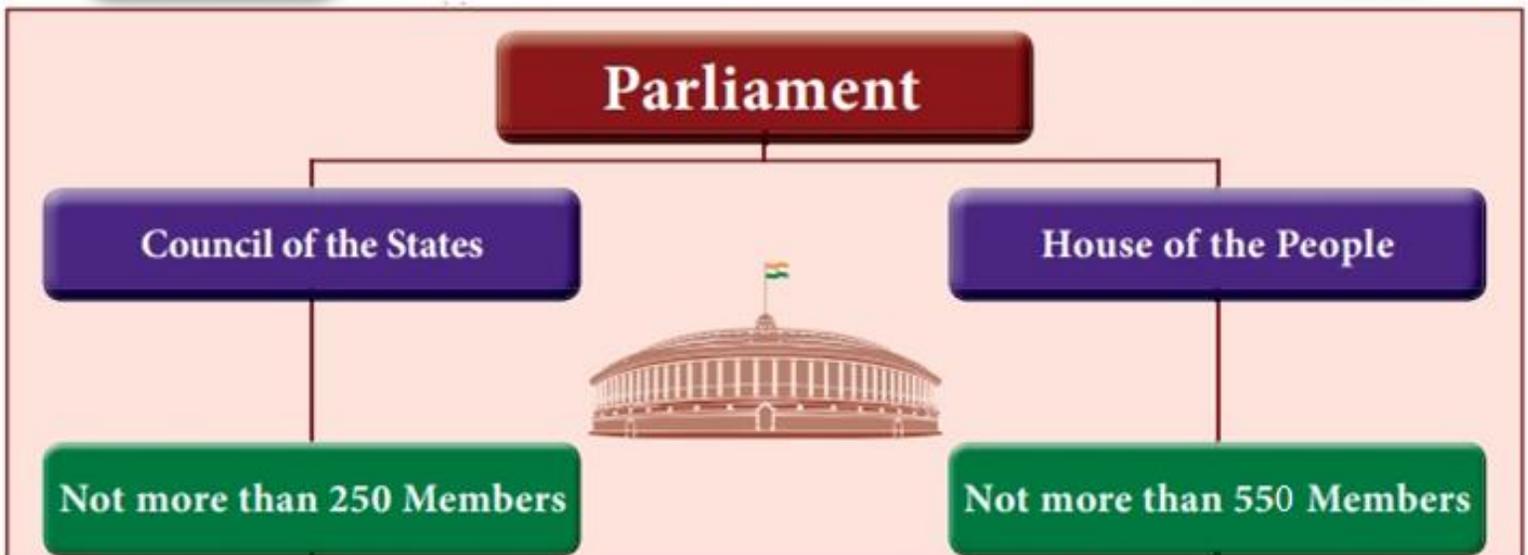
## Impeachment in India – Facts

Judge	Year	Outcome
Justice V. Ramaswami	1993	Impeachment motion failed in Lok Sabha (Congress abstained)
Justice Soumitra Sen (Calcutta HC)	2011	Resigned before Lok Sabha vote
Justice P. D. Dinakaran	2011	Resigned before proceedings

## Why in News?

**Jagdeep Dhankhar**, Vice President and ex-officio Chairman of Rajya Sabha, **resigned on July 21, 2025**, citing **health reasons and medical advice**.

**Resignation** was **submitted in writing to President Droupadi Murmu** and took **immediate effect**. He became the **first Vice President to resign mid-term**.



Important Constitutional provisions related to the Vice President of India:

- **Article 63:** Establishes the office of the Vice President of India.
- **Article 64:** Declares the Vice President as the ex-officio Chairman of the Council of States (Rajya Sabha). This means they preside over the Rajya Sabha but do not hold any other office of profit.
- **Article 65:** Deals with the Vice President acting as or discharging the functions of the President. This happens if the President's office becomes vacant due to death, resignation, removal, or any other reason, or when the President is unable to perform their duties due to absence or illness. The Vice President acts as President until a new President is elected and assumes office.

- **Article 66:** Details the election of the Vice President. They are elected by an electoral college consisting of members of both Houses of Parliament (Lok Sabha and Rajya Sabha) through a system of proportional representation by means of a single transferable vote. The qualifications for the office are also mentioned, including being a citizen of India, at least 35 years old, and qualified for election as a member of the Rajya Sabha.
- **Article 67:** Sets the term of office for the Vice President as five years. It also outlines the procedures for resignation or removal from office. A Vice President can be removed by a resolution passed by a majority of all the then members of the Rajya Sabha and agreed to by the Lok Sabha.
- **Article 69:** Specifies the oath or affirmation the Vice President must take before entering their office.
- **Article 71:** States that all doubts and disputes regarding the election of the Vice President are inquired into and decided by the Supreme Court, whose decision is final.

### Article 67 - Term of Office of Vice President

- The Vice President **holds office for 5 years.**
- Can **resign** at any time by **writing under his hand** addressed to the **President.**
- Can also be **removed by a resolution of the Rajya Sabha**, agreed to by the Lok Sabha.

### Related Roles Affected

- Vice President is also the **ex-officio Chairperson of Rajya Sabha** (Article 64).
- His resignation impacts both:
  - The **Presiding Officer role** in the Rajya Sabha,
  - The **constitutional hierarchy** (Vice President is 2nd highest constitutional post).

### What Happens After Resignation?

#### In Case of Vacancy:

- **Article 68(1):** An election to fill the vacancy **must be held as soon as possible.**
- In absence of Vice President, the **Deputy Chairman of Rajya Sabha** presides over the House.

### What is *Impeachment*?

#### Definition:

"**Impeachment**" refers to a **formal process of accusing a public official of misconduct**, which may lead to **removal from office.**

In Indian context, **only the President** is removed using the term "**impeachment.**"

- The **term is borrowed from the British & American systems.**
- But India follows its **own detailed constitutional process.**

## Other Constitutional Posts – Similar Removal Mechanism

Post	Removal Mechanism	Article(s) Involved	Is It Called "Impeachment"?
<b>President</b>	By impeachment for <b>violation of Constitution</b>	Article 61	Yes
<b>Vice-President</b>	Resolution by Rajya Sabha + Lok Sabha approval	Article 67(b)	No
<b>Supreme Court Judge</b>	Special majority by Parliament after inquiry	Article 124(4) & (5)	No (called "removal")
<b>High Court Judge</b>	Same as Supreme Court Judge	Article 217(1)(b)	No
<b>CAG of India</b>	Same as SC Judge	Article 148(1) (3rd Proviso)	No
<b>Chief Election Commissioner</b>	Same as SC Judge	Article 324(5)	No
<b>State Governor</b>	At pleasure of the President	Article 156(1)	No (No process defined)

**Question 1:** According to the Indian Constitution, where must a resolution to remove the Vice President be initiated?

- a) Lok Sabha
- b) A joint session of Parliament
- c) Rajya Sabha
- d) The President's office

**Question 2:** What are the only two grounds on which a Supreme Court judge can be removed from office?

- a) Violation of the Constitution or proven misbehaviour
- b) Loss of confidence or proved incapacity
- c) Proven misbehaviour or incapacity
- d) Unconstitutional actions or corruption

**Question 3:** What kind of majority is required in the Lok Sabha for the removal of a Vice President?

- a) A special majority (two-thirds of members present and voting)
- b) An effective majority (majority of all the then members)
- c) A two-thirds majority of the total membership
- d) A simple majority (majority of members present and voting)