Syllabus subtopic: Comparison of the Indian constitutional scheme with that of other countries

Prelims and Mains focus: process of impeachment of US President and its comparison with the process for Indian President’s impeachment

News: The impeachment of President Donald Trump in the U.S. House of Representatives on charges of abuse of power and obstruction of Congress sets the stage for a historic trial next month in the Republican controlled Senate on whether he should be removed from office.

What next?

- Mr. Trump is certain to face more friendly terrain during a trial in the 100 member Senate, where a vote to remove him would require a two-thirds majority.

- Mr. Trump, who is seeking another four-year term in the November 2020 presidential election, has denied wrongdoing and called the impeachment inquiry launched by Pelosi in September a ‘witch hunt’.

What is Impeachment?

Impeachment is a provision that allows Congress to remove the President of the United States.

US Constitution provides:

- The House of Representatives (Lower House) has the “the sole power of impeachment” while the Senate (Upper House) has “the sole power to try all impeachments”.
- The Chief Justice of the US Supreme Court has the duty of presiding over impeachment trials in the Senate.

Grounds for impeachment:
• The President can be removed from office for “treason, bribery, or other high crimes and misdemeanors”.
• Essentially, it means an abuse of power by a high-level public official. This does not necessarily have to be a violation of an ordinary criminal statute. Historically, in the US, it has encompassed corruption and other abuses, including trying to obstruct judicial proceedings.

The process:

1. It begins with an investigation by a House committee. If they find that there is enough evidence of wrongdoing, it will refer the matter to the full House.

2. House Voting: When the full House votes, if one or more of the articles of impeachment gets a majority vote, the President is impeached. Next, the proceedings move to the Senate.

3. Senate trial and voting: The Senate holds a trial, overseen by the chief justice of the Supreme Court. 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. If at least two-thirds of the Senators present find the President guilty, he is removed and the Vice President takes over as President.