

by the Legislature is inconsistent with Part III of the Constitution, then that law is invalid and inoperative to the extent of it being overshadowed by the Fundamental Rights.

Source: Indian Polity - For Civil Services and Other State Examinations | 6th Edition Laxmikant

Q.8) Consider the following statements with reference to the impeachment of the President:

1. Members of both the houses of Parliament takes part in the investigation of the charges.
2. Impeachment resolution needs to be passed by 2/3rd of members presents and voting.
3. Nominated members of the Rajya Sabha can participate in the impeachment.
4. Impeachment is a quasi-judicial procedure in the Parliament.

Which of the statements given above are correct?

- a) 2 and 4 only
- b) 2, 3 and 4 only
- c) 3 and 4 only
- d) 1, 2, 3 and 4

Ans) c

Exp) Option c is correct.

Statements 1 and 2 are incorrect. The impeachment charges can be initiated by either House of Parliament. These charges should be signed by one-fourth members of the House (that framed the charges). After the impeachment resolution is passed by a majority of **two-thirds of the total membership** of that House, it is sent to the **other House, which should investigate the charges**. The President has the right to appear and to be represented at such investigation. If the other House also sustains the charges and passes the impeachment resolution by a majority of two-thirds of the total membership, then the President stands removed from his office from the date on which the resolution is so passed.

Statement 3 is correct. The **nominated members of either House of Parliament can participate** in the impeachment of the President though they do not participate in his election. Thus, all the members of the Parliament can participate in the impeachment proceedings of the President. Also, the elected members of the legislative assemblies of states and the Union Territories of Delhi and Puducherry do not participate in the impeachment of the President though they participate in his election.

Statement 4 is correct. An impeachment is a quasi-judicial procedure in the Parliament.

Source: Indian Polity, M. Laxmikanth, 6th Edition, Chapter-17