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# TODAY'S ANALYSIS

## (20 December 2024)

### TOPICS TO BE COVERED

- PROCEDURE FOR REMOVING A HC JUDGE
- MOLDOVA JOINS INTERNATIONAL SOLAR ALLIANCE
- HEALTHCARE IN INDIA: STRUCTURE
  - PUBLIC HEALTHCARE IN INDIA
- MCQs

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## PROCEDURE FOR REMOVING A HC JUDGE

- Recently, **55 Members of Parliament (MPs)** from the **Rajya Sabha** submitted a motion for the removal of **Justice Shekhar Kumar Yadav**, a judge at the **Allahabad High Court**. This motion was presented due to allegations of **misbehaviour**.
- **Justice Shekhar Kumar Yadav**, a judge of the **Allahabad High Court**, is currently facing a **motion for impeachment** due to controversial remarks he made at a **Vishwa Hindu Parishad (VHP)** event in December 2024.
- The remarks, which allegedly **targeted minorities** and advocated for a **uniform civil code**, have sparked significant political controversy.
- The **Supreme Court** has taken **suo motu cognizance** of the matter, seeking a **detailed report** from the Allahabad High Court regarding the comments made by Justice Yadav.

## OPPOSITION'S MOTION FOR IMPEACHMENT

- The **Opposition INDIA bloc** in the **Rajya Sabha** has initiated a motion to impeach Justice Yadav.
- As of Now, **55 MPs** ( required only 50) have signed the petition for impeachment. The **INDIA bloc** has a total of **85 MPs** in the Rajya Sabha.

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- The motion could be formally moved soon, depending on the final signatures and political developments.

## CONSTITUTIONAL PROVISIONS

The **Indian Constitution** provides the procedure for the removal of judges under **Articles 124** (Supreme Court) and **217** (High Court). A judge can be removed on the grounds of 'proved misbehaviour' or 'incapacity'.

### IMPEACHMENT PROCEEDINGS

- ▶ A **removal motion** signed by 100 members (in case of Lok Sabha) or 50 members (in case of Rajya Sabha) is to be given to the Speaker/Chairman.
  - ▶ If the motion is admitted, then a **three-member committee to investigate** into the charges is constituted.
  - ▶ If the committee finds the judge to be guilty of the charges (**misbehaviour or incapacity**), the House in which the motion was introduced, can take up the consideration of the motion.
- Special majority: Majority of total membership of the House & majority of not less than two thirds members present and voting.**
- ▶ Once, the House in which removal motion was introduced passes it with **special majority**, it goes to the second House which also has to pass it with a special majority.
  - ▶ After the motion is passed, an **address** is presented to the President for removal of the judge. The President then passes an order removing the judge.



However, these terms are not explicitly defined in the Constitution.

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## GROUNDS FOR REMOVAL

- **Misbehaviour:** This includes:
  - **Willful misconduct** in office
  - **Corruption**
  - **Lack of integrity**
  - **Offenses involving moral turpitude**
- **Incapacity:** Refers to the **physical or mental condition** that makes the judge unfit to discharge their judicial duties. This includes both **temporary** and **permanent incapacity**.

## PROCEDURE FOR REMOVAL

The **Judges (Inquiry) Act, 1968** provides the detailed procedure for the removal of judges.

This process includes multiple stages to ensure fairness and prevent misuse of the removal mechanism.

- **Initiating the Process:**
  - A **motion for removal** must be signed by at least **50 Rajya Sabha MPs** and **100 Lok Sabha MPs**.

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- The motion is submitted to the **Chairman of the Rajya Sabha** or the **Speaker of the Lok Sabha**. The Chairman/Speaker may accept or reject the motion after consulting the relevant parties.
- **Formation of Inquiry Committee:** If the motion is admitted, an **inquiry committee** is formed. This committee consists of:
  - **Two sitting Supreme Court or High Court judges**
  - **A distinguished jurist** (an expert in law)
- The committee investigates the charges of misbehaviour or incapacity leveled against the judge.
- **Findings of the Inquiry Committee:**
  - If the committee **finds the judge innocent** (i.e., no misbehaviour or incapacity), the motion is **dropped**.
  - If the committee **finds the judge guilty** of misbehaviour or incapacity, a report is submitted to both Houses of Parliament.
- **Parliamentary Approval:**
  - The motion for removal must then be passed by a **special majority** in **both Houses of**

**Parliament.**

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- **Special majority** means:
  - A majority of the **total membership** of both Houses.
  - A **two-thirds majority** of the members present and voting in both Houses.
- If the motion passes, the **President of India** removes the judge from office.

## WHAT HAPPENED IN THE CASE OF JUSTICE SHEKHAR KUMAR YADAV?

- **Allegations:**

- **Justice Shekhar Kumar Yadav** is accused of making **communally charged remarks** at an event organized by the **Vishwa Hindu Parishad**.

- **Judicial Conduct:**

- According to the **Reinstatement of Values of Judicial Life** adopted by the Supreme Court in 1997, judges are expected to maintain conduct that upholds the **impartiality** of the judiciary and **public confidence**.
- They are not supposed to engage in any actions that undermine the high office they hold.

- **Code of Conduct Violation:**

- The **Judges (Inquiry) Bill, 2006** (which was not passed) sought to define '**misbehaviour**' as including violations of the **judicial code of conduct**.

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- The Bill also suggested minor disciplinary measures like issuing **warnings**, public or private **censure**, or even **withdrawing judicial work** for a limited period for misconduct that doesn't justify removal.

## COMPLEXITY OF REMOVAL PROCESS

- **High Threshold for Removal:**

- The process of removing a judge is **deliberately stringent** to ensure that judges are only removed for serious misconduct or incapacity.
- The requirement for a **special majority** in both Houses of Parliament ensures that judges cannot be easily removed based on frivolous or politically motivated accusations.

- **Blackstone's Ratio:**

- The principle of '**better that ten guilty persons escape than that one innocent suffer**' applies here.
- The high threshold is designed to protect the **independence of the judiciary**, ensuring that the removal of judges is based on substantial evidence, not political or external pressures.

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## POSSIBLE OUTCOMES & CHALLENGES

- **The Role of the Rajya Sabha Chairman:**

- The **Chairman of the Rajya Sabha**, against whom a motion for removal has been submitted, is unlikely to admit the current motion against Justice Yadav.
- Given that the Chairman himself might face such motions, this raises questions about the impartiality of the process.

- **Supreme Court's Role:**

- The **Supreme Court** has already issued a **notice** seeking details of Justice Yadav's controversial speech. The judge may be called to explain his statements before the **Supreme Court Collegium**, which consists of senior judges from the Supreme Court.

- **The Importance of Judicial Behaviour:**

- It is critical that judges maintain behaviour that is consistent with the **high constitutional office** they occupy. Judges are expected to display conduct that enhances **public confidence** in the judiciary and adheres to the values outlined by the **Supreme Court**.

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## PAST ATTEMPTS

There have been **6 impeachment attempts** since India's independence, but **none have been successful**. Here is a summary of these attempts:

- **1st Attempt: Justice V. Ramaswami (1993)**

- **Grounds:** Financial impropriety (misuse of office).
- **Outcome:** The impeachment motion failed despite a guilty finding by the committee.

**Justice Ramaswami retired a year later.**

- **Defense:** Kapil Sibal defended Justice Ramaswami in Parliament.

- **2nd Attempt: Justice Soumitra Sen (2011)**

- **Grounds:** Corruption (financial misconduct).
- **Outcome:** The **Rajya Sabha** impeached Justice Sen, but he **resigned** before the **Lok**

**Sabha** could vote, causing the motion to lapse.

- **3rd Attempt: Justice S.K. Gangele (2015)**

- **Grounds:** Alleged sexual harassment.
- **Outcome:** The committee **cleared him** of charges in 2017, and the impeachment motion was dropped.

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- **4th Attempt: Justice J.B. Pardiwala (2015)**
  - **Grounds:** Remarks about reservation and its impact on national progress.
  - **Outcome:** The **Rajya Sabha Chairman, Hamid Ansari**, dropped the motion after the controversial remarks were **expunged** from the judgment.
  
- **5th Attempt: Justice C.V. Nagarjuna (2017)**
  - **Grounds:** Victimization of a Dalit judge and financial misconduct.
  - **Outcome:** MPs **withdrew their signatures**, causing the motion to fail.
  
- **6th Attempt: Chief Justice Dipak Misra (2018)**
  - **Grounds:** Allegations related to judicial independence and functioning.
  - **Outcome:** The **Rajya Sabha Chairman, M. Venkaiah Naidu**, **rejected** the motion at the preliminary stage.

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# MOLDOVA JOINS INTERNATIONAL SOLAR ALLIANCE



- **Moldova's Membership:** Moldova has joined the International Solar Alliance (ISA) by signing the ISA Framework Agreement.
- The agreement was signed between India's Minister of External Affairs, S. Jaishankar, and Moldovan Deputy Prime Minister, Mihai Popsoi, in New Delhi.
- **Armenia's Recent Membership:** Just a month earlier, **Armenia became the 104th full member of the ISA.**

## OVERVIEW ABOUT INTERNATIONAL SOLAR ALLIANCE

- **Formation and Purpose:** The ISA is an **intergovernmental** treaty-based organization that aims to promote solar energy.

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- It seeks to **reduce the cost of financing and technology** for solar projects and to help solar-rich countries transition to clean energy sources.
- **Launch:** The ISA was jointly launched by **Prime Minister Narendra Modi** and **French President François Hollande** on **November 30, 2015**, in Paris during the **21st Conference of Parties (COP21)** to the UNFCCC.
- **Framework Agreement Signing:** The ISA Framework Agreement was opened for signatures on **November 15, 2016**, in **Marrakech, Morocco**, during **COP22**.
- On **December 6, 2017**, the **agreement was ratified by 15 countries**, marking the establishment of **ISA as the first international intergovernmental organization** headquartered in India.
- **Founding Conference:** On **March 11, 2018**, **Prime Minister Modi** and **President Emmanuel Macron** co-hosted the founding conference of ISA.

## MEMBERSHIP & CRITERIA

- **Eligibility:** Membership is open to **solar resource-rich** countries located **fully or partially** between the **Tropic of Cancer** and the **Tropic of Capricorn**, and must be members of the **United Nations**.

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- **Current Membership:** As of now, the ISA has **120 signatory countries**, with more than **100 countries** becoming full members after ratifying the framework agreement.

## MISSION & VISION OF ISA

- **Mission:** ISA aims to **provide a dedicated platform for cooperation among solar-resource-rich countries.**
- This platform enables governments, multilateral organizations, corporates, and civil society to work together to increase solar energy use, addressing energy needs in a sustainable, equitable, and affordable manner.
- **Global Relevance:** The ISA is considered key to achieving the **2030 Sustainable Development Goals** and the **Paris Agreement on Climate Change.**

## Partnerships and Collaborations

- ISA collaborates with **multilateral development banks (MDBs)**, **development financial institutions (DFIs)**, and **private and public sector organizations** to drive solar energy solutions, particularly in **Least Developed Countries (LDCs)** and **Small Island Developing States (SIDS).**

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## KEY OBJECTIVES

- **Overcoming Barriers to Solar Energy:** Address the challenges hindering the rapid expansion of solar energy.
- **Reducing Costs:** Innovate in reducing both the cost of financing and technology to make solar energy more competitive.
- **Mobilizing Investments:** Aim to mobilize **over \$1,000 billion** in investments by 2030 for solar projects.
- **Increasing Solar Applications:** Scale up the use of solar technology across ISA member countries.
- **Research and Development:** Facilitate **collaborative R&D** on solar technologies among member nations.
- **Networking Platform:** Promote a **cyber platform** for collaboration and exchange of ideas.

## ASSEMBLY OF ISA

- **Function and Role:** The **Assembly of the ISA** is the apex decision-making body, which reviews critical matters such as:

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- Approval of the ISA's objectives and operational budget.
- Evaluation of the implementation of its various initiatives and programs.
- **First Assembly:** The **First Assembly** of the ISA, held on **October 3, 2018**, amended the Framework Agreement to allow all **UN member states** to join the ISA.
- **Annual Meetings:** The Assembly meets annually at the **ministerial level** at the ISA's headquarters in India.

## IMPORTANCE OF MOLDOVA'S MEMBERSHIP

- Moldova's inclusion in ISA signifies the growing global commitment to sustainable and clean energy.
- By joining ISA, Moldova will benefit from collaborative efforts to reduce the costs of solar technology and financing, while contributing to the overall goal of increasing solar energy deployment worldwide.

These developments highlight the expanding reach and importance of the ISA as an international platform driving the global shift toward solar energy and clean, sustainable power solutions.

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# HEALTHCARE IN INDIA: STRUCTURE

## PUBLIC HEALTHCARE IN INDIA

India's **public healthcare system** continues to operate with a **3-tier structure**:

- **Primary Healthcare:**

- This includes **Primary Health Centers (PHCs)** and **Sub-Centers (SCs)** that are supposed to provide basic healthcare services such as **maternal and child health, vaccinations, and treating minor illnesses.**
- These centers form the backbone of rural healthcare.
- However, **understaffing**, lack of proper infrastructure, and limited access to essential medical resources continue to be a challenge.

- **Secondary Healthcare:**

- At the **district level**, there are **District Hospitals** and **Community Health Centers (CHCs).**
- These hospitals offer specialized services like **minor surgeries, obstetrics, and gynecology care, and general diagnostics.**

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- However, these hospitals are frequently overcrowded, and the quality of care can be inconsistent due to lack of resources.

- **Tertiary Healthcare:**

- **Tertiary care hospitals** in India, located mainly in **metropolitan cities**, provide **specialized services like cancer care, organ transplants, complex surgeries, and advanced diagnostic services.**
- Public tertiary hospitals, such as **AIIMS** and **PGI Chandigarh**, are among the best in the country but are often overwhelmed with patients.

## **ROLE OF CENTER & STATES**

The **central and state governments** share the responsibility for healthcare. The **Ministry of Health and Family Welfare (MoHFW)** at the national level is responsible for policy-making, while **state governments handle the delivery of services.**

**Public healthcare** is funded through taxes and government schemes like the **National Health Mission (NHM)**, but funding remains inadequate.

## **PRIVATE HEALTHCARE SYSTEM**

The **private healthcare sector** in India is growing at a rapid pace, contributing significantly to the delivery of healthcare services, particularly in urban areas. According to estimates, the

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**private sector accounts for nearly 70%** of total healthcare expenditure in India. The key aspects are:

- **Private Hospitals and Clinics:** These range from large corporate hospitals to smaller private clinics. Big hospital chains like **Fortis**, **Max Healthcare**, and **Apollo** provide high-end medical services.
- **Private Health Insurance:** India's **private health insurance market is growing**, but it still remains **limited in coverage, especially in rural areas**. High premiums and lack of awareness prevent many people from opting for private insurance.

While the **private sector** offers advanced care and shorter waiting times, it remains **expensive** and often inaccessible to lower-income groups, reinforcing the urban-rural divide in healthcare access.

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## MCQs

1. Consider the following statements and mark the correct one:

1. A motion to remove a judge of HC can be introduced in Rajya Sabha only.
2. Once introduced, a 3 member committee is formed to investigate the matter.
3. If found guilty of misbehavior or incapacity by the committee, then the judge stands impeached.

- (A) Only 1 & 3  
(B) Only 1 & 2  
(C) Only 2 & 3  
(D) Only 2

**Ans. (D)**

2. Consider the following statements and mark the correct one:

1. The SC does not have any stakes in removal of a judge of HC.
2. The resolution for removal of a judge of HC has to be passed by special majority in both the houses.

- (A) Only 1  
(B) Only 2  
(C) Both 1 & 2  
(D) Neither 1 nor 2

**Ans. (B)**

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3. Where is the headquarter of International Solar Alliance?

- (A) Lyon, France
- (B) Paris, France
- (C) Gurugram, India
- (D) None of the above

**Ans. (C)**

4. Which of these is a precondition for becoming a member of the International Solar Alliance?

1. Membership of UN
2. Must be fully between the Tropic Of Cancer & Tropic of Capricorn.

- (A) Only 1
- (B) Only 2
- (C) Both 1 & 2
- (D) Neither 1 nor 2

**Ans. (A)**

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5. Consider the following statements and mark the correct one:

1. Primary Healthcare Centers offers vaccinations.
2. The secondary healthcare centers offer general diagnostics.

- (A) Only 1
- (B) Only 2
- (C) Both 1 & 2
- (D) Neither 1 nor 2

**Ans. (C)**



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