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India’s Parliament Must Not Stage Its Cadaver Synod

Conclusion

- The trial of Pope Formosus during the **Cadaver Synod** of 897 CE remains one of history’s most extraordinary examples of institutional excess.
- Although the pope had been dead for months, his body was exhumed, dressed in papal robes, placed on trial, declared guilty, and symbolically punished.
- Instead of restoring justice, the proceedings damaged the credibility of the Church and became a lasting reminder that legal authority loses legitimacy when exercised without a meaningful constitutional purpose.
- This historical episode provides **an apt analogy for the constitutional debate** surrounding the impeachment proceedings initiated against former Justice Yashwant Varma after his resignation.

Constitutional Purpose of Impeachment

- The Indian Constitution envisages **impeachment** solely as a mechanism to **remove an unfit judge** from constitutional office.

- **Article 121** permits Parliament to discuss the conduct of judges only during proceedings seeking their removal.
- Similarly, **Articles 124(4)** and **217**, read with the **Judges (Inquiry) Act, 1968**, establish that removal from office is the only constitutional consequence of impeachment.
- Once a judge resigns, the constitutional office ceases to exist. As a result, the machinery created for removal loses its legal purpose because there is no office left to vacate.
- Continuing the process after resignation would therefore extend constitutional authority beyond its intended limits.

Resignation as a Constitutional Act

- A judge occupies a constitutional office rather than an ordinary government post.
- The Supreme Court, in **Union of India v. Gopal Chandra Misra (1978)**, held that a judge's resignation is a unilateral constitutional act requiring no acceptance from the President or any executive authority.
- The constitutional relationship ends immediately upon resignation.
- This principle has also been reflected in constitutional practice.
- The impeachment proceedings against **Justice P.D. Dinakaran** ended after his resignation, while the proceedings against **Justice Soumitra Sen** also came to a close once he resigned despite the Rajya Sabha having already adopted the removal motion.
- These precedents affirm that resignation extinguishes Parliament's jurisdiction to continue removal proceedings.

Implications for Judicial Independence

- Allowing impeachment proceedings to continue after resignation would create a dangerous constitutional precedent.
- If Parliament retains authority over a resigned judge, there would be little constitutional basis to distinguish such cases from those involving **retired** or even **deceased judges**.
- Future legislatures could revisit judicial decisions delivered years earlier and initiate proceedings motivated by changing political circumstances.
- Such a practice would weaken **judicial independence**, disturb the **separation of powers**, and expose judges to the fear of post-retirement political retaliation.
- Constitutional democracies depend not only upon independent judges but also upon institutions that respect the constitutional limits of their own authority.

Institutional Dignity and Constitutional Morality

- Every constitutional institution derives its legitimacy from acting within the limits prescribed by the Constitution.
- **Constitutional morality** requires Parliament to exercise restraint even where political considerations encourage further action.
- Symbolic proceedings incapable of producing any constitutional consequence risk transforming legal processes into political theatre.

- The lesson of the Cadaver Synod demonstrates that institutions often suffer greater damage than the individuals they seek to condemn when authority is exercised without purpose.
- Respect for the **rule of law** requires adherence not only to constitutional text but also to the principles underlying constitutional governance.

Accountability Beyond Impeachment

- Ending impeachment proceedings does not imply the absence of accountability.
- Allegations involving criminal misconduct remain subject to **criminal investigation**, prosecution, and trial under the ordinary legal process.
- Likewise, questions relating to pension, retirement benefits, or other statutory entitlements may be examined in accordance with applicable law.
- The constitutional limitation applies only to impeachment because its exclusive function is the removal of a sitting constitutional functionary.
- Once that office has already been vacated, ordinary legal institutions, not Parliament, become the appropriate forum for determining liability.

Conclusion

- The enduring significance of the **Cadaver Synod** lies in its warning against institutions exercising power after its constitutional purpose has disappeared.
- Justice is not strengthened by symbolic proceedings that cannot produce meaningful legal consequences.
- Respect for **constitutional morality**, **judicial independence**, the **rule of law**, and the **separation of powers** requires Parliament to recognise that impeachment ends with resignation.

India’s Parliament Must Not Stage Its Cadaver Synod FAQs

Q1. Why is the Cadaver Synod used as an analogy?

Ans. The Cadaver Synod illustrates the futility of conducting legal proceedings against someone who no longer holds the office in question.

Q2. What is the constitutional purpose of impeachment?

Ans. The constitutional purpose of impeachment is to remove an unfit judge from office and not to punish a former judge.

Q3. Which constitutional provisions govern the removal of judges?

Ans. Articles 121, 124(4), and 217, along with the Judges (Inquiry) Act, 1968, govern the removal of judges.

Q4. How does resignation affect impeachment proceedings?

Ans. A judge’s resignation immediately ends the constitutional relationship, making further impeachment proceedings ineffective.

Q5. How can a former judge still be held accountable?

Ans. A former judge can still be held accountable through criminal investigation, prosecution, and other legal proceedings under ordinary law.

Source: **The Hindu**

A Trade Deal That Tests India's Competitive Confidence

Context

- The **Comprehensive Economic and Trade Agreement (CETA)** between **India** and the **United Kingdom** marks a significant step in strengthening bilateral economic relations.
- While trade agreements are often judged by their ability to increase **exports**, their greater value lies in encouraging competition, improving productivity, and promoting long-term economic growth.
- By combining export expansion with gradual market opening, the agreement seeks to build a more competitive Indian economy.

Major Features of India-UK Comprehensive Economic and Trade Agreement (CETA)

- **Export Promotion and Employment Generation**
    - Nearly 99% of Indian exports now enjoy duty-free access to the U.K. market.
    - Major beneficiaries include labour-intensive sectors such as textiles, garments, leather, footwear, marine products, processed food, engineering goods, and auto components.
    - Lower tariffs improve price competitiveness, expand export opportunities, and create formal employment, particularly in manufacturing centres like Tiruppur and Agra.
- **Creating a Level Playing Field**
    - Indian exporters previously faced higher tariffs than competitors from Bangladesh, Pakistan, and Cambodia.
    - Equal market access removes this disadvantage and enables Indian businesses to compete fairly in the British market, strengthening India's export potential.
- **Strengthening the Pharmaceutical Sector**
    - India, the world's leading producer of generic medicines, gains improved access to one of the U.K.'s largest pharmaceutical markets. Duty-free exports enhance price competitiveness, increase market share, and promote growth through economies of scale, benefiting a globally competitive industry.
- **Protection of Indian Professionals**
    - The Double Contribution Convention exempts Indian professionals temporarily working in Britain from paying social security contributions in both countries for up to five years.
    - More than 75,000 workers and around 900 companies are expected to save nearly $600 million annually, reducing financial burdens and improving labour mobility.
- **Competition over Protectionism**
    - India will gradually reduce tariffs on British automobiles and Scotch whisky through phased implementation and quota-based safeguards.

    - Controlled exposure to foreign competition encourages domestic industries to improve quality, innovation, and efficiency.
    - Long-term protection often weakens industries, whereas healthy competition promotes continuous improvement and greater consumer choice.

Effective Implementation Economic Perspective

- **Economic Perspective**
    - The agreement's success depends on effective execution.
    - Exporters must understand available opportunities, government procedures should become more efficient, and industry associations should educate small enterprises.
    - Better utilisation of **Free Trade Agreements (FTAs)** is essential for translating policy into measurable economic gains.
- **Economic Perspective**
    - The agreement reflects important economic principles such as **comparative advantage**, **trade liberalization**, **consumer welfare**, and higher **productivity**.
    - Export expansion generates employment, while carefully managed imports encourage domestic industries to innovate and become internationally competitive.
    - Together, these measures support sustainable economic development.

Conclusion

- **The India-U.K. CETA** is more than a conventional trade agreement. It promotes **exports**, creates **employment**, strengthens key industries, protects Indian professionals abroad, and encourages domestic industries to become globally competitive.
- By balancing market access with gradual liberalization, the agreement supports long-term economic progress.
- Its ultimate success will depend on effective implementation, greater awareness among businesses, and India's confidence in embracing global competition.

A Trade Deal That Tests India's Competitive Confidence FAQs

Q1. What is the main objective of the India–U.K. CETA?

Ans. The main objective of the agreement is to promote trade, employment, and long-term economic growth through greater market access and competition.

Q2. Which sectors benefit the most from duty-free access to the U.K. market?

Ans. Labour-intensive sectors such as textiles, garments, leather, footwear, and engineering goods benefit the most.

Q3. How does the Double Contribution Convention help Indian professionals?

Ans. It exempts eligible Indian professionals from paying social security contributions in both India and the U.K. for up to five years.

Q4. Why is competition considered better than long-term protectionism?

Ans. Competition encourages industries to improve quality, innovation, and efficiency, making them globally competitive.

Q5. What is necessary for the successful implementation of the agreement?

Ans. Effective implementation requires informed exporters, simpler government procedures, and better awareness of Free Trade Agreements among businesses.

Source: **The Hindu**

From Supply-Chain Vulnerability to Technological Self-Reliance

Context

- The disruption around the **Strait of Hormuz** highlighted India's vulnerability as a major oil-importing nation.
- Although oil supplies could eventually be rerouted, the episode exposed a broader reality – **critical supply chains** are increasingly instruments of geopolitical power.
- For a country aspiring to become **Atmanirbhar** in critical technologies, dependence on foreign-controlled capabilities is far more consequential than dependence on a reroutable commodity such as oil.
- The strategic objective must therefore shift from merely securing supplies to building domestic **technological capabilities**.

India's R&D Deficit

- **Case of China:**
    - China's rise illustrates the importance of sustained investment in R&D. It spends**43%** of GDP on R&D, with around three-fourths financed by domestic companies.
    - This enables it to **reduce dependence** on foreign technologies while increasing global dependence on Chinese capabilities.
- **India's position:**
    - As of 2023, India spends only**64%** of GDP on R&D, significantly below the global average, and the private sector finances barely two-fifths of this expenditure.
    - In contrast, private enterprise contributes around three-fourths or more of R&D spending in China, South Korea and the US.

How Government is Addressing this Structural Weakness

- **ANRF – A catalyst for deep-tech innovation:**
    - The Anusandhan National Research Foundation (ANRF), notified in **2024**.
    - It seeks to transform India's innovation ecosystem by bringing together academia, industry, start-ups, philanthropy and the diaspora.
- **Key financial instruments of ANRF:**
    - **Research, Development and Innovation Fund:** ₹1 lakh crore over six years for the private sector.

- **ANRF core:** ₹50,000 crore over five years for foundational scientific research.

- **Significance:**
  - The model is designed to be **catalytic** rather than substitutive.
  - Public funding is intended to reduce risks and attract much larger private investment in commercialisation and scale-up.
  - Government procurement and regulatory policies are also expected to align with the emerging technology ecosystem.
- **Multiple channels of industry participation:**
  - Investment alongside anchor capital,
  - Direct participation as eligible technology entities,
  - Joint ventures with start-ups and Global Capability Centres (GCCs),
  - National missions,
  - Pre-competitive research challenges and CSR-supported innovation.
- **The broad objective:**
  - To ensure that lack of access to capital or institutional mechanisms does not prevent willing firms from participating in research and innovation.

Industry Must Assume Greater Responsibility

- **Mobilise private capital**:
  - Companies must invest their own resources behind public catalytic funding instead of relying solely on government support.
- **Choose strategic technologies:**
  - Industry must prioritise sectors where technological dependence poses the greatest strategic risk.
  - Domestic capability can create long-term value, rather than focusing only on short-term gains from protected markets.
- **Build long-term R&D institutions:**
  - Firms need dedicated research units, corporate venture arms and strategic planning mechanisms insulated from short-term quarterly pressures.
  - **Long-horizon innovation** requires institutional capacity, not merely funding.
  - Such an ecosystem can also retain India's highly trained doctoral talent, which often migrates abroad due to inadequate research opportunities and institutional support.

Lessons from India's Pharmaceutical Industry

- India's pharmaceutical sector demonstrates that the domestic industry can successfully respond to technological and regulatory disruption.
- After India accepted the WTO intellectual property regime and product patents in pharmaceuticals in the 1990s, many expected domestic firms to be overwhelmed by multinational corporations.
- Instead, Indian companies developed expertise in process chemistry, regulatory compliance and large-scale manufacturing, eventually making India the "**pharmacy of the world**".

- The emerging challenge in advanced technologies is broader, but the **underlying lesson** remains the same: strategic capability is built by investing, adapting and innovating rather than retreating in the face of competition.

A Narrow Window of Opportunity

- India today possesses several **favourable conditions**:
  - A demographic dividend, though it is time-bound;
  - Robust digital public infrastructure;
  - Emerging public funding and institutional architecture for innovation;
  - A global search for alternatives to dependence on a single dominant supplier.
- These factors provide India with an opportunity not merely to catch up but to **leapfrog**—from being primarily a consumer of intellectual property to becoming a major generator of it.

Conclusion

- The central lesson of the Hormuz crisis is that **dependence creates vulnerability**.
- While the state has initiated the institutional and financial framework for technological self-reliance, technological independence cannot be achieved through government action alone.
- The ultimate goal is not merely resilience against supply disruptions, but the creation of capabilities that make India globally indispensable.

Achieving Technological Self-Reliance

Q1. How do geopolitical chokepoints challenge India’s pursuit of strategic autonomy?

Ans. They expose India to supply disruptions, making domestic capabilities in critical technologies essential for resilience.

Q2. What is the significance of the Anusandhan National Research Foundation (ANRF)?

Ans. It seeks to catalyse private investment, strengthen academia-industry collaboration and promote deep-tech innovation.

Q3. Why is greater private-sector participation crucial for improving India’s R&D ecosystem?

Ans. Because India spends only 0.64% of GDP on R&D and private-sector contribution remains limited.

Q4. What lessons does India’s pharmaceutical industry offer?

Ans. Its success shows that investment in process innovation can transform a potential vulnerability into global competitiveness.

Q5. Why does technological self-reliance require an all-of-society approach?

Ans. The state can provide finance and institutional support, but industry, academia, and start-ups must collectively build long-term capabilities.

Source: IE