

KARNATAKA CONUNDRUM**Converting resignation into a disqualification matter adds new dimension to a political crisis**

The Supreme Court's decision to ask the parties to the political crisis in Karnataka to maintain the status quo until it examines the questions of law involved, is pragmatic and expedient. The Speaker has been asked not to decide the issue of MLAs' resignation or disqualification. An order has been passed when one of the questions to be decided is whether the court can give such a direction to the Speaker. It now transpires that legislators can be prevented from resigning by claiming that they have incurred disqualification. It was argued in court that "the rebel MLAs are trying to avoid disqualification by tendering resignations." This is astounding, as the penalty for defection is loss of legislative office. Quitting the current post before joining another party is a legal and moral obligation. Defection is condemnable, especially if it is to bring down one regime and form another. But politicians cannot be tied down to parties against their will by not letting them leave even their legislative positions. Even if it can be argued that two MLAs had pending disqualification proceedings against them, what about the rest? They say they tried to meet the Speaker, but could not. They may have been wrong to rush to the court without getting an appointment with the Speaker, but in the few intervening days, their parties issued a whip to all MLAs to be present in the House and vote for the government.

Converting resignation into a disqualification matter is an attempt to deny a member's right to quit his seat in the legislature before joining another party, even if the crossing-over is a politically expedient measure. The logic seems to be that a disqualified member cannot become a Minister without getting elected again, whereas one who resigns can be inducted into an alternative Cabinet without being a member. Accepting a resignation is a simple function of being satisfied if it is voluntary, while disqualification is decided on evidence and inquiry. The two should not be mixed up. The ongoing proceedings represent an increasingly common trend in litigation on constitutional issues: the propensity of the political class to twist and stretch the law in their favour and leave it to the court to set things right. The Speaker already enjoys extraordinary powers under the Constitution. In addition to immunity from judicial scrutiny for legislative matters, such as whether a Bill is a money bill, presiding officers get to decide whether a member has incurred disqualification under the anti-defection law. Though the decision is subject to judicial review, many Speakers have evaded judicial scrutiny by merely not acting on disqualification matters. The question whether the Speaker's inaction can be challenged in court is pending before another Constitution Bench. Telangana, Andhra Pradesh and Tamil Nadu have instances of Speakers not acting on disqualification questions for years. The current crisis in Karnataka has exposed a new dimension to such partisan action.

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Conundrum		Problem, difficulty], quandary, dilemma
Convert		Change, turn, transform, metamorphose
Status quo		The existing state of affairs
Dimension		Size, measurement, proportion, extent, length
Pragmatic		Practical, sensible, down to earth
Expedient		Convenient, advantageous, beneficial
Transpire		Happen, come about, bring about
Incur		Bring upon oneself, attract, invite
Astounding		Surprising, astonishing, nonplussed
Defection		Desertion, absconding, decamping, flight, apostasy
Obligation		Duty, commitment, responsibility, assignment
Condemn		Censure, criticize, denounce, denunciate
Regime		Government, authorities, command
Tie down		Restrict, shackle, fetter, localize, condition
Proceedings		Events, happenings, goings on, report, doings
Intervene		Occur, happen, take place, crop up
Whip		Lash, scourge, strap, belt
Induct		Admit to, allow into, introduce to
Evidence		Proof, confirmation, verification, affirmation
Litigation		Proceedings, legal action, laws suits
Propensity		Tendency, inclination, predisposition, proneness
Immunity		Resistance, non-susceptibility, ability to fight
Evade		Avoid, eschew, circumvent
Partisan		Supporter, follower, adherent, devotee

WARLORD AND WAR CRIMES**The International Criminal Court verdict against Bosco Ntaganda is a breakthrough**

The conviction of the Congolese warlord Bosco Ntaganda is cause for cautious optimism that perpetrators of serious crimes cannot escape justice, even where they have evaded domestic laws. Ntaganda, known as “the terminator”, was pronounced guilty of 13 counts of war crimes and five of crimes against humanity by the International Criminal Court. These relate to the 2002-03 ethnic conflict in the Democratic Republic of Congo. After a 2006 indictment by the Hague court, it took seven more years for him to surrender and months more before the trial could start. The conviction follows the ICC’s 2012 sentencing of Thomas Lubanga, the first to be pronounced guilty under the Rome Statute, also pertaining to atrocities during the Congolese conflict. The verdict in this latest case is a breakthrough for the prosecution, which has come under increasing scrutiny. It has even been forced to abandon high-profile trials involving heads of government owing to the intimidation of witnesses and tampering with evidence. In 2014, the ICC dropped charges of crimes against humanity on Kenyan President Uhuru Kenyatta, the first sitting President to appear before it, relating to the death of hundreds in the 2007 post-election ethnic violence. The judges held that the Nairobi government had not acted in good faith, as crucial evidence had been withheld from the prosecution. Fatou Bensouda, the ICC chief prosecutor who has been in the midst of some of these reversals, described as “regrettable and troubling” a majority appeal decision last year. That ruling acquitted Jean-Pierre Bemba, a former DRC vice president, who was in 2016 convicted of war crimes and handed an 18-year sentence. In January, Laurent Gbagbo, former President of Ivory Coast, was acquitted of crimes against humanity. In the face of strong resistance to prosecute crimes committed in the wars in Iraq and Afghanistan, many African nations feel they were being selectively targeted. In an unjustified move, Burundi has quit the ICC, as also the Philippines.

Arguably the greatest challenge today to enforce accountability transcending domestic and regional borders could be linked to the surge of nationalism around the world. The genesis of the Rome Statute, adopted in 1998, made a modest beginning to ensure that serious atrocities committed by elected representatives do not go unpunished. The refusal of major states to bring themselves under the court’s jurisdiction has dampened such hopes. It is an irony that countries this year are marking the 75th anniversary of the Bretton Woods institutions. But the new world order they sought to usher in, underpinned by a rules-based system of global governance, is facing its biggest challenge yet.

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Verdict		Judgement, adjudication, resolution
Breakthrough		Opportunity, advance, development, success
Conviction		Declaration of guilt, sentence, judgement
Optimism		Hopefulness, hope, confidence, buoyancy
Pronounce		Declare, announce, aver, avow, assert
Ethnic		Racial, race related, cultural
Indictment		Order, decree, diktat, bidding
Pertain		Relate to, concern, be relevant to
Atrocities		Abomination, cruelty, enormity, outrage
Prosecute		Take to court, try, put on trial
Abandon		Renounce, relinquish, dispense with, disown
Trials		Court case, case, lawsuit, inquiry, tribunal
Intimidate		Frighten, menace, terrify, caw, subdue
Tamper		Interfere, monkey around, meddle, tinker
Withhold		Hold back, keep back, retain
Crucial		Pivotal, critical, climacteric