

## Course correction – Clemency question: The Rajiv Gandhi assassination case

### The release of life convicts should be settled on legal principles alone

After failing to get the seven convicts in the Rajiv Gandhi assassination case released by exercising its statutory power to remit life sentences, the AIADMK government in Tamil Nadu has taken recourse to a possible constitutional remedy. It has decided to invoke the Governor's clemency power under Article 161 of the Constitution. The earlier attempt in 2014 to remit the sentences under the provisions of the Code of Criminal Procedure was stayed by the Supreme Court, which ultimately held that the Centre had primacy in according remission to life convicts in a case that involves consultation between the Centre and the State. The Centre formally declined to concur with the State's proposal in April 2018, saying it would "set a very dangerous precedent and lead to international ramifications". There is no doubt that the sovereign clemency power vested in the President and the Governor is quite wide, but the Supreme Court has in the past cautioned against its use for political considerations. Tamil Nadu Governor Banwarilal Purohit will now have to take a call on the advice of the State's Council of Ministers and decide whether he is bound by it. The moot question is whether he will pause to consider the Centre's opinion against releasing those involved in a "diabolical plot" hatched by "a highly organised foreign terrorist organisation" and either reject the proposal or seek its reconsideration. In either case, he will be mindful of the fact that his decision will be subject to judicial review.

The Tamil Nadu government believes there is no legal bar on the convicts getting the benefit of Article 161, even though the mercy petitions of some of them have been rejected by both the Governor and the President. But the issue has thrown up a number of questions that relate to process. For instance, what happens to the four Sri Lankan nationals among the convicts? Will they remain in India or be repatriated? Also, shouldn't there be a case-by-case evaluation for releasing those sentenced for life? An omnibus order of release clearly will not address the particularities in each case, or evaluate the gravity of their role in the crime and the effect on society of releasing them. In principle, the idea that convicts who have suffered prolonged incarceration require compassion cannot be faulted. The idea of locking away a person for life, without so much as a sliver of hope of freedom, is not in keeping with the ideals of a truly modern society. However, it is impossible to ignore the impact of such a decision on capital punishment. When lifelong **imprisonment** is regarded as a humane alternative to capital punishment, releasing life convicts may only strengthen the demand for the imposition of the death penalty — which would be retrograde. Although there are many political considerations behind the move to release the convicts, this case must be decided on the basis of legal principles alone.

#### ***Meanings of Difficult Words :***

- **Clemency** - a decision not to punish someone severely, made by someone in a position of authority
- **Assassination** - the murder of a famous or important person, especially for political reasons
- **Convict** - someone who is in prison because they are guilty of a crime

- **Statutory** - controlled by a law or statute
- **Remit** - to reduce a period of time that someone must spend in prison
- **Life sentence** - a punishment in which someone is sent to prison for the rest of their life
- **Recourse** - the use of something so that you can get what you want or need in a difficult situation
- **Remedy** - a solution to a particular problem
- **Invoke** - to use a law or rule in order to achieve something
- **Ultimately** - after a process or activity has ended
- **Primacy** - the fact of being more powerful or important than anything else
- **Concur** - to agree with someone or something
- **Precedent** - an action or event in the past that is used as an example or reason for a present action or event
- **Ramification** - a complicated or unexpected way in which a decision, process, or event affects other things
- **Sovereign** - having the highest power or being completely independent
- **Caution** - to tell someone about a danger or problem that they need to know about or avoid
- **Moot question** - a moot point, question, or issue is one that people disagree about
- **Diabolical** - evil or cruel
- **Hatch** - if you hatch something such as a plan, you plan it, especially in secret
- **Mindful** - careful about or conscious of something
- **Subject to something** - likely to experience something or to be affected by something
- **Mercy** - the act of forgiving someone or not treating them severely, especially someone who you have the authority to punish
- **For instance** - for example
- **Repatriate** - to send someone back to the country that is legally their own
- **Omnibus** - comprising several items
- **Address** - to give attention to or deal with a matter or problem
- **Gravity** - the seriousness or importance of something
- **Prolonged** - continuing for a long time
- **Incarceration** - to put someone in prison
- **Compassion** - a feeling of sympathy for someone who is in a bad situation because you understand and care about them
- **Sliver of** - a small thin piece of something
- **Impact** - an effect, or an influence
- **Capital punishment** - the punishment of being legally killed
- **Humane** - caring about the quality of people's or animal's lives and trying to be kind to them
- **Retrograde** - returning to a condition or situation that is worse than the present one

### **Course correction – The old and the new: the U.S. Open**

#### **Novak Djokovic asserts greatness at the U.S. Open, Naomi Osaka shows she's here to stay**

There was a time when Pete Sampras's tally of 14 Grand Slam singles titles — the last of which came at the U.S. Open in 2002 — seemed like the acme of sporting achievement in men's

tennis. Little did anybody expect that in the next 16 years, across 64 Majors, not one or two but three players would stand shoulder to shoulder with the American great. On Sunday, Novak Djokovic became that third man, defeating Argentine Juan Martin del Potro, for his third U.S. Open title at Flushing Meadows. The 31-year-old Serb has never been considered a once-in-a-generation talent, as have Roger Federer and Rafael Nadal, the ones above him in the trophy count. But nobody represents the modern-day game as well as Djokovic. He is the ultimate practitioner of the attrition-based baseline tennis, and at his best, with his supremely efficient patrolling of the court, is near invincible. Over two weeks in New York he hit this high many times over. In fact, the 95-minute second set in the final was a microcosm of Djokovic's last two years. It was long and weary as fortunes swung back and forth. But adversity energised him, and he found a level which his opponent couldn't match. Coming after his triumphant return at Wimbledon in July, the latest success is evidence enough that technically, tactically and physically Djokovic is back to his best.

If it was about the restoration of the old order on the men's side, it was the continuation of the new in the women's section. There has been a first-time winner in four of the past six Grand Slam tournaments, and 20-year-old Naomi Osaka added to the eclectic mix by becoming the first Japanese to win a Major. In Serena Williams, the winner of 23 singles Slams, the most by any player in the Open Era, Osaka faced the ultimate challenge. It was also an inter-generational battle like none other. The 16-year age gap between Williams and Osaka was the second biggest in the Open Era for a women's final, next only to Monica Seles (17) vs. Martina Navratilova (34) at the 1991 U.S. Open. To her immense credit, Osaka wasn't awed by the stage. While growing up, she had revered Williams. After all, this is someone who chose Williams as her subject for a school essay in third grade. On Saturday she played like she knew the 36-year-old's game like the back of her hand, absorbing everything the American threw at her, and redirecting them with much more panache. The magnitude of her achievement was nearly drowned out by the chaos in the aftermath of Williams's tirade against the chair umpire. Yet, the manner in which Osaka, at an impressionable young age, closed out the match with a cold relentlessness showed she is here to stay.

### ***Meanings of Difficult Words :***

- **Assert** - to state firmly that something is true
- **Tally** - a record of the number of things that someone has done, won, or achieved
- **Grand Slam** - a set of important competitions held in a sport during one year, especially in tennis, rugby or golf
- **The acme of something** - the highest possible standard of something
- **Major** - a well-known and important competition
- **Stand shoulder to shoulder** - to be next to something or someone
- **Practitioner** - someone who does a particular activity
- **Attrition** - the process of making an enemy physically and mentally weaker by continuously attacking them
- **Baseline** - a quantity, value, or fact used as a standard for measuring other quantities, values, or facts
- **Patrolling** - the act of checking that there is no trouble or danger in a building or area

- **Invincible** - too strong to be defeated
- **Microcosm** - something small that contains or represents all the features or qualities of something larger
- **Swung (swing)** - to move, or to make something move, backwards and forwards
- **Adversity** - a difficult period in your life in which you have many problems
- **Energise** - to make someone feel full of energy or enthusiasm
- **Opponent** - someone who is competing against you
- **Triumphant** - successful
- **Evidence** - facts or physical signs that help to prove something
- **Tactically** - in a way that relates to a planned method of achieving something
- **Restoration** - the act or process of returning something to its earlier good condition or position
- **Eclectic mix** - an eclectic group of people, things, or ideas is interesting or unusual because it consists of many different types
- **Immense** - extremely large
- **Awe** - a feeling of great respect and admiration
- **Revere** - to have a lot of respect and admiration for someone or something
- **Back of your hand** - to be very familiar with something
- **Panache** - an impressive way of doing something that shows great skill and confidence
- **Magnitude** - great size, importance, or effect
- **Drown out** - to prevent a sound from being heard by making a louder noise
- **Chaos** - a situation in which everything is confused and in a mess
- **Aftermath** - the effects and results of something bad or important
- **Tirade** - a long angry speech criticizing someone or something
- **Impressionable** - someone who is impressionable is easily impressed and influenced by other people, usually because they are young and lack experience in life
- **Relentless** - determined, and never stopping your attempts to achieve something
- **Here to stay** - if something is here to stay, it will continue to exist for a long time and become accepted as normal

### Course correction- Avoidable suspense: on Indian-origin FPIs

### SEBI could have handled better the issue of Indian-origin foreign portfolio investors

Foreign investors in the Indian market are used to unexpected twists in the regulatory landscape, but they seldom talk tough in the public domain. So it was unusual for a group of foreign portfolio investors (FPIs) to openly appeal to the Prime Minister for an urgent intervention last Monday. The Asset Managers Roundtable of India (AMRI) warned that India's booming stock markets will be in for a tight bear-hug and the embattled rupee could face even greater pressure if an April 10 diktat from the Securities and Exchange Board of India is not scrapped. The SEBI circular, they argued, disqualifies about \$75 billion of portfolio investments into India made by FPIs backed by domestic institutions, NRIs, Persons of Indian Origin and Overseas Citizen of India card-holders. The total portfolio investments in India's financial

markets are estimated at \$450 billion. The circular, issued to enhance the Know Your Client norms for FPIs, ended up imposing a blanket ban on certain types of investments where NRIs, PIOs or OCIs were investors (beyond a threshold) or even served as senior managing officials of these funds. The circular delegates the task of identifying high-risk jurisdictions, with tighter KYC norms, on custodian banks.

Last week, SEBI called AMRI's warning as "preposterous and highly irresponsible". Yet, by the weekend the H.R. Khan Committee set up by SEBI recommended changes that may be made to the regulator's directive, addressing most of the concerns raised by the FPIs. The panel's report clarified that NRIs, OCI card-holders and resident Indians can manage the investments of any FPI registered with SEBI and, more importantly, hold up to 50% of an FPI's assets under management. This has removed any ambiguity and provided relief to foreign investors who were left guessing how the term 'majority' — as stated in the April circular — would be determined by SEBI while applying the beneficial ownership test. The committee said the deadline for complying with the circular, which was already extended from August 31 to December 31, must be extended further, and funds with investments breaching the final thresholds that the regulator decides upon should be granted 180 days to unwind positions. SEBI has now announced public consultations before it finalises these norms, and in the process created some breathing space for such funds to remain invested on Dalal Street. No one should have a grouse with attempts to curb round-tripping of illegal domestic wealth into the Indian market through the foreign investments route. But treating all FPIs with Indian-origin managers as potential conduits of illicit money is unwise. SEBI could have managed all of this as an independent regulator had it held a timely dialogue with stakeholders before framing these norms, as it usually does. Such policy uncertainty and sharp about-turns will do little to enhance India's credibility among global investors.

### ***Meanings of Difficult Words :***

- **Avoidable** - capable of being prevented
- **FPI** - Foreign Portfolio Investor (FPI) [non residents who invest in Indian securities including shares, government bonds, corporate bonds, convertible securities, infrastructure securities etc]
- **Regulatory** - a regulatory organization or company controls an activity, process, or industry
- **Seldom** - not often
- **Talk tough** - to speak in a way that makes other people fear you
- **In the public domain** - if something such as information is in the public domain, people in general know about it because it is not secret
- **Intervention** - a situation in which someone becomes involved in a particular issue, problem etc in order to influence what happens
- **Booming** - increasing or becoming successful and producing a lot of money very quickly
- **Bear-hug** - an extremely high offer to buy a company, which shareholders will want management to accept
- **Embattled** - experiencing a lot of problems and likely to be defeated or destroyed
- **Diktat** - an official rule that people are forced to obey
- **Scrap** - to decide not to continue with something such as a plan or an event
- **Disqualify** - to not allow someone to do something

- **Back** - support
- **Domestic** - relating to the country being talked about, and not other countries
- **Overseas** - happening or existing in a country across the sea from your country
- **Enhance** - to improve something
- **End up** - to be in a particular place or state after doing something or because of doing it
- **Impose** - to introduce something such as a new law or new system, and force people to accept it
- **Blanket ban** - total / complete ban
- **Threshold** - a limit at which an arrangement changes
- **Delegate** - to give a particular job, duty, right, etc. to someone else so that they do it for you
- **Jurisdiction** - the right or power to make legal decisions
- **Custodian** - someone who is responsible for something valuable such as money, property, or a collection of works of art
- **Preposterous** - extremely unreasonable or silly
- **Irresponsible** - done or said without thinking of the possible results of your actions or words
- **Directive** - an official order
- **Address** - to give attention to or deal with a matter or problem
- **Concern** - a feeling of worry about something, especially one that a lot of people have about an important issue
- **NRI** - a non-resident Indian: an Indian who lives outside India
- **Ambiguity** - something that is not clear because it has more than one possible meaning
- **Majority** - most of the people or things in a group
- **Determine** - to control what something will be
- **Complying with** - to obey a rule or law, or to do what someone asks you to do
- **Breach** - to break a law, rule, or agreement
- **Unwind** - to begin to relax after you have been working hard or feeling nervous
- **Breathing space** - a period of rest from a difficult activity that allows you to get your energy back or try a different solution
- **Curb** - to control or limit something that is harmful
- **Round-trip** - if you make a round trip, you go on a journey and return to where you started from
- **Conduit** - a person, place, or system that is used for passing goods or information from one group of people to another
- **Illicit** - not allowed by the law or rules
- **Unwise** - not sensible
- **Timely** - happening at the most suitable time
- **Dialogue** - a process in which two people or groups have discussions in order to solve problems
- **Stakeholder** - a person or company that has invested in a business and owns part of it
- **Uncertainty** - a nervous feeling that you have because you think bad things might happen
- **About-turn** - a big change in your opinion or attitude to something, so that it is almost the opposite of what it was before
- **Enhance** - to improve something, or to make it more attractive or more valuable

- **Credibility** - qualities that someone has that make people believe or trust them

## **Course Correction - The centre holds: on the Sweden elections**

### **Sweden's far-right gets less than expected, but still its growing popularity is a warning**

A shrinking vote share for the centrist parties and a notable showing by the far right in Sunday's elections in Sweden echo the growing anti-immigrant mood in the Nordic nations and across Europe. The incumbent Social Democrats have emerged as the single largest party, but short of a clear majority. Their razor-thin lead over the centre-right will complicate Prime Minister Stefan Löfven's bid to form another minority government. But the most notable phenomenon of the election has been the extreme-right Sweden Democrats, who have been riding the populist wave over immigration and rising domestic crime. It is but small comfort that the party, like its counterparts elsewhere in Europe, did not perform as well as opinion polls had projected. The party, which has its roots in the neo-Nazi movement, has steadily increased its vote share since 2010, when it crossed the minimum threshold to enter Parliament. That share more than doubled in 2014 and has risen further now, bringing it more than 60 seats in the new legislature, which has 349 seats. This performance may render the political isolation of the Sweden Democrats by mainstream parties less tenable in the future. The Moderate and Christian Democrat parties in the centre-right Opposition seem to be gradually shedding their reservations about the Sweden Democrats. The far right's criticism of the government's policy to admit Syrian refugees in 2015 as a strain on Sweden's generous provision of social welfare has already gained some traction. Similarly, it has also stoked the anti-immigrant sentiment by playing on security concerns arising from terrorist attacks in several parts of Europe.

The strain of the lack of a clear majority for the Social Democrats is already apparent, as Prime Minister Löfven faces calls from the Moderate party to step down. While Mr. Löfven has dismissed the suggestion, he is conscious of the political need to strike pragmatic compromises and build a consensus among like-minded parties. With healthy economic growth and relatively low levels of unemployment, the challenge for the new government is to address the mounting demands on the country's public health care and education services. That would be an effective counter to the populist rhetoric of the extreme right. The region's next big democratic test will be the 2019 elections to the European Parliament. The history of the European Union-wide elections bears little evidence of popular enthusiasm. Nor have the MEPs been effective in addressing the authoritarian challenge in, say, Hungary and Poland. But the common threat of right-wing extremism could well trigger a popular pan-European response.

#### ***Meanings of Difficult Words :***

- **Far right** - used to refer to political groups whose opinions are very extreme
- **Shrinking** - becoming smaller or less
- **Centrist** - not extreme in your political beliefs
- **Echo** - to express the ideas or feelings that someone else has expressed
- **Immigrant** - someone who comes to live in a country from another country
- **Nordic** - someone who is Nordic is from Denmark, Norway, Sweden, Finland, or Iceland
- **Incumbent** - someone who has an official position

- **Social democrat** - someone who believes in social democracy (relating to society and to people's lives in general)
- **Emerge** - to become known
- **Majority** - the number of votes by which a person or party wins an election
- **Razor-thin** - a razor-thin difference in amount is very small
- **Minority government** - a government in which the main party has more members than any other single party but not more members than all the other parties together
- **Phenomenon** - an event or situation that can be seen to happen or exist
- **Democrat** - someone who supports democracy as a political system
- **Populist** - representing the interests and opinions of ordinary people
- **Immigration** - the process in which people enter a country in order to live there permanently
- **Counterpart** - someone or something that has the same job or purpose as another person or thing, but in a different country, time, situation, or organization
- **Elsewhere** - in or to another place or other places
- **Opinion poll** - an attempt to find out what people in general think about a subject by asking some people questions about it
- **Isolation** - the state of being separated from other people, or a situation in which you do not have the support of other people
- **Mainstream** - considered ordinary or normal and accepted or used by most people
- **Tenable** - a tenable situation is sensible or well organized and therefore can continue
- **Shed** - to get rid of something that is not wanted or is no longer necessary
- **Refugee** - someone who leaves their country, especially during a war or other threatening event
- **Generous** - giving people more of your time or money than is usual or expected
- **Welfare** - the health and happiness of people
- **Traction** - the action of pulling something over a surface, or the type of power used for pulling
- **Stoked** - to make a feeling stronger
- **Apparent** - easy to see or understand
- **Step down** - to leave an official position or job, especially so that someone else can take your place
- **Pragmatic** - involving or emphasizing practical results rather than theories and ideas
- **Consensus** - agreement among all the people involved
- **Like-minded** - like-minded people, groups etc have similar tastes, interests, and opinions
- **Populist** - representing the interests and opinions of ordinary people
- **Rhetoric** - a style of speaking or writing that is intended to influence people
- **Authoritarian** - controlling everything and forcing people to obey strict rules and laws
- **Extremism** - a tendency to have beliefs or opinions that are considered to be extremely unreasonable by most people
- **Trigger** - to make something happen
- **Pan** - all

“Think Positive, You’ll Get Positive”