

Course correction – Strange turn: on SC's order regarding Ayodhya dispute

The Supreme Court's attempt at mediation in the Ayodhya dispute is incongruous

Mediation, especially when it is at the instance of a court, is a welcome option for those embroiled in protracted civil disputes. A compromise could indeed be preferable to an order that may leave one side aggrieved. However, it is questionable whether this principle can be applied to all disputes and in all situations. The Supreme Court's order appointing three mediators to find a solution to the Ram Janmabhoomi-Babri Masjid dispute is quite strange and incongruous, given that all such previous attempts have ended in failure. Further, the case is ripe for final hearing, and not all parties favoured mediation. The dispute over the site at Ayodhya, where a 16th century mosque stood until it was torn down by Hindutva fanatics in December 1992, has remained intractable since 1949. After the demolition of the Babri Masjid, the President referred to the Supreme Court the question whether there was a temple to Lord Ram before the mosque was built at the site. The court, in a landmark decision in 1994, declined to go into that question. More important, it revived the title suits and, thereby, restored due process and the rule of law. The present attempt by the Supreme Court to give mediation a chance within a narrow window of eight weeks goes against the spirit of the 1994 decision. After all, it was that verdict that made possible the 2010 judgment of the Allahabad High Court, which favoured a three-way split of the site among Ram Lalla, the Sunni Wakf Board and the Nirmohi Akhara, which is under appeal.

A welcome feature of the court-mandated mediation attempt is that it will not consume much time; the same eight weeks are needed for preparation for the final hearing. The confidentiality rule will be helpful as none would want the atmosphere to be vitiated by premature disclosures when the country is in election mode. However, the inclusion of Sri Sri Ravi Shankar as one of the mediators is controversial. In the past, he has made remarks to the effect that Muslims ought to give up their claim and that the failure to find a negotiated settlement will result in "civil war". It is true that the prolonged problem has had an adverse impact on the body politic and some "healing" is required. But the injury to the country's secular fabric was caused by fanatical Hindutva groups that launched a revanchist campaign on the plea that some temples had been turned into mosques by invaders. The only way to heal this festering wound on the body politic is to render complete justice not only in the civil case, but also for the criminal act of the demolition. No one must be left with the impression that the exercise is aimed at privileging the faith-based argument that the mosque stood at the exact spot where Lord Ram was born over the legal question on who holds the title to the land.

Meanings of Difficult Words :

- **Dispute** - an argument or disagreement, especially an official one between, for example, workers and employers or two countries with a common border
- **Mediation** - to talk to two separate people or groups involved in a disagreement to try to help them to agree or find a solution to their problems
- **Incongruous** - unusual or different from what is around or from what is generally happening
- **Instance** - a particular situation, event, or fact, especially an example of something that happens generally
- **Embroil** - to cause someone to become involved in an argument or a difficult situation

- **Protracted** - lasting for a long time or made to last longer than necessary
- **Aggrieved** - unhappy and angry because of unfair treatment
- **Questionable** - not certain, or wrong in some way
- **Incongruous** - unusual or different from what is around or from what is generally happening
- **Tear something down** - to intentionally destroy a building or other structure because it is not being used or it is not wanted any more
- **Fanatic** - a person who has very extreme beliefs that may lead them to behave in unreasonable or violent ways
- **Intractable** - very difficult or impossible to control, manage, or solve
- **Demolition** - the act of destroying something such as a building
- **Landmark** - an important stage in something's development
- **Thereby** - as a result of this action
- **Verdict** - an opinion or decision made after judging the facts that are given, especially one made at the end of a trial
- **Hearing** - an official meeting that is held to collect the facts about an event or problem
- **Confidentiality** - the fact of private information being kept secret
- **Vitiate** - to destroy or damage something
- **Premature** - happening or done too soon, especially before the natural or suitable time
- **Disclosure** - the act of making something known or the fact that is made known
- **Ought** - used to say that it is necessary or desirable to perform the action expressed in the verb
- **Give up** - to stop trying to do something before you have finished, usually because it is too difficult
- **Negotiate** - to have formal discussions with someone in order to reach an agreement with them
- **Civil war** - a war fought by different groups of people living in the same country
- **Prolonged** - continuing for a long time
- **Adverse** - having a negative or harmful effect on something
- **Impact** - the force or action of one object hitting another
- **Healing** - the process in which a bad situation or painful emotion ends or improves
- **Injury** - harm or damage that is done to a business or its reputation
- **Secular** - not having any connection with religion
- **Revanchist** - of or relating to a policy designed to recover lost territory or status
- **Campaign** - a planned group of especially political, business, or military activities that are intended to achieve a particular aim
- **Plea** - an urgent and emotional request
- **Invader** - an army or country that uses force to enter and take control of another country
- **Fester** - if an argument or bad feeling festers, it continues so that feelings of hate or lack of satisfaction increase
- **Render** - to cause someone or something to be in a particular state
- **Privilege** - an advantage that only one person or group of people has

Course correction – Road through Rome ?

Italy's proposed endorsement of the BRI highlights the dilemmas within the EU

Italy's plan to endorse the Belt and Road Initiative, the first such move by a G7 member, will boost China's global ambitions. In turn, this highlights the difficulties facing the EU and the U.S. in formulating a concerted response to counter China's growing might. On its inception in 2013, the BRI envisaged linking about 65 countries along a modern Silk Road, the transformation of China into a high-income economy and the renminbi's elevation into a global currency. Today, it has expanded to over 80 countries, mostly least developed and developing economies, as Beijing seeks to bolster its Made in China 2025 industrial policy. The lure of the BRI is attributed largely to the informal nature of the deals Beijing negotiates with partner-states, with attractive loan terms and sans political strings. Their opaque nature has spurred criticism that recipients risk being pushed into a debt trap. But the glitches facing some of the BRI infrastructure projects have merely led to calls for renegotiation rather than their roll-back. The BRI has moved forward, along with Beijing's other venture, the Asian Infrastructure Investment Bank. Many Central and Eastern European countries, EU members and aspirants alike, are part of the "16+1" group, which includes China, collaborating in infrastructure ventures.

However, Italy, an EU founder-member, will be the first major developed economy to participate in the BRI. Rome's ruling eurosceptic and anti-establishment coalition has been enthusiastic in signing on. Its timing is seen to have something to do with the difficulties the government has faced in balancing its growth targets with the EU's stringent fiscal norms. These tensions surfaced in recent negotiations with Brussels that led to a revised Italian budget. Italy is counting on its BRI endorsement to boost investment in it, given recent reductions in Chinese outflows into the EU. Rome is expected to sign an MoU to participate in the mammoth endeavour during a visit this month of President Xi Jinping. Italy's move comes at a moment of increasing concern in European capitals, especially Paris and Berlin, to counter Chinese mergers and acquisitions of European firms to protect the bloc's strategic economic sectors. The Trump administration has, in keeping with its America First policy, invoked national security provisions rarely deployed in international trade and targeted Beijing with punitive import tariffs, ostensibly to protect domestic industries. China's phenomenal economic expansion since joining the WTO in 2001 has almost altered the global landscape. But attempts to block Chinese businesses may prove short-sighted. Instead, Western democracies should strive to live up to their repeated pledges, since the 2007-08 global financial crisis, to eschew protectionism and promote rules-based open and free global competition.

Meanings of Difficult Words :

- **Endorsement** - the act of saying that you approve of or support something or someone
- **Dilemma** - a situation in which a difficult choice has to be made between two different things you could do
- **Initiative** - a new plan or process to achieve something or solve a problem
- **Ambition** - a strong wish to achieve something
- **Concerted** - planned or done together for a shared purpose
- **Counter** - to react to something with an opposing opinion or action, or to defend yourself against something

- **Inception** - the beginning of an organization or official activity
- **Envisage** - to imagine or expect something in the future, especially something good
- **Transformation** - a complete change in the appearance or character of something or someone, especially so that that thing or person is improved
- **Elevation** - the fact of being given a more important position
- **Bolster** - to support or improve something or make it stronger
- **Lure** - to persuade someone to do something or go somewhere by offering them something exciting
- **Sans** - without
- **Opaque** - difficult to understand
- **Spur** - to encourage an activity or development or make it happen faster
- **Criticism** - the act of saying that something or someone is bad
- **Renegotiation** - to discuss an agreement again in order to change it
- **Roll-back** - an occasion when the influence of particular laws, rules, etc. is reduced
- **Aspirant** - someone who very much wants to achieve something
- **Collaborate** - to work with someone else for a special purpose
- **Euroceptic** - a person, especially a politician, who opposes closer connections between Britain and the European Union
- **Coalition** - the joining together of different political parties or groups for a particular purpose, usually for a limited time, or a government that is formed in this way
- **Stringent** - having a very severe effect, or being extremely limiting
- **Counting on** - to be confident that you can depend on someone / something
- **Outflow** - the amount of money that leaves a company, industry, or country during a particular period
- **Mammoth** - extremely large
- **Endeavour** - to try to do something
- **Concern** - a feeling of worry about something, especially one that a lot of people have about an important issue
- **Merger** - an occasion when two or more companies or organizations join together to make one larger company
- **Acquisition** - the process of getting something
- **Strategic** - helping to achieve a plan, for example in business or politics
- **Invoke** - to use a law in order to achieve something, or to mention something in order to explain something or to support your opinion or action
- **Punitive** - intended as a punishment
- **Import** - to buy or bring in products from another country
- **Tariff** - a charge or list of charges either for services or on goods entering a country
- **Phenomenal** - extremely successful or special, especially in a surprising way
- **Alter** - to change something, usually slightly, or to cause the characteristics of something to change
- **Short-sighted** - not thinking enough about how an action will affect the future

- **Strive** - to try very hard to do something or to make something happen, especially for a long time or against difficulties
- **Eschew** - to avoid something intentionally, or to give something up
- **Protectionism** - the actions of a government to help its country's trade or industry by taxing goods bought from other countries

Course correction – **An open field: on Lok Sabha polls in U.P.** **Constituency-level issues and national meta-narratives hold the key in U.P.**

The Election Commission announced the Lok Sabha poll schedule on Sunday, and there is little doubt that the final outcome will be determined in great part by the vote in Uttar Pradesh. By including 11 candidates for U.P. in its first list last week, the Congress has reiterated its inclination to contest alone in the critical State in the absence of a deal with the Samajwadi Party and the Bahujan Samaj Party. Though the Congress decision does not entirely shut the doors on a joint front of anti-BJP parties in U.P., the chances of such a formation are turning bleaker. There is no way of discerning the likely impact of a multi-cornered contest in the State, but in 2014 the scattering of the anti-BJP vote in the State helped Prime Minister Narendra Modi get 71 of the 80 seats, vital to gaining an absolute majority in the Lok Sabha. An equally sweeping victory for the BJP in the 2017 Assembly election initially appeared to reinforce Mr. Modi's aura of invincibility, but this soon turned out to be the trigger for a series of developments that cumulatively pose a challenge to his bid for a second term at the Centre. Facing irrelevance, regional parties such as the SP, the BSP and the Rashtriya Lok Dal felt compelled to bury the hatchet and form a front against the Hindutva challenge. This reconfiguration appeared to make an emphatic turn in the State's politics, and the BJP lost all the three Lok Sabha by-elections that followed. It is in this landscape that the Congress is trying to resolve its indecisiveness about going it alone.

Yet, there is uncertainty at the granular level. Aspirants are being shunned by each party, resulting in a pool of disgruntled local actors now scurrying for shelter in other parties. The SP and the BSP will be contesting less than half their usual number of seats; the BJP is certain to replace a large number of its sitting MPs to reduce anti-incumbency at the constituency level. The Congress, though without an organisational base in the State, has the claim to be the national challenger to Mr. Modi. It might be tempted to rope in some of these dissidents from other parties, while remaining open to the possibility of an alliance. The shifting loyalties of individual leaders will have an impact on the caste coalitions that all parties factor into their calculations. An overarching social coalition of Dalits, backwards and Muslims in U.P. blocking the Hindutva advancement in 2019 is a possibility, but only one of several. Mr. Modi's strategy in the midst of this realignment of social groups in the State will be to pull his own campaign above local factors, and make it into a Hindu nationalist meta-narrative. The ongoing tensions with Pakistan and the debate on Ayodhya provide him with enough rhetorical tools. The terrain of U.P. has been fertile for this kind of **politics** too, a politics that makes nonsense of the accretion of vote banks through seat adjustments.

Meanings of Difficult Words :

- **Constituency** - one of the official areas of a country that elects someone to represent it in a parliament or legislature
- **Outcome** - a result or effect of an action, situation, etc

- **Determine** - to control or influence something directly, or to decide what will happen
- **Reiterate** - to say something again, once or several times
- **Inclination** - a feeling that you want to do a particular thing, or the fact that you prefer or are more likely to do a particular thing
- **Bleak** - if a situation is bleak, there is little or no hope for the future
- **Discerning** - showing good judgment, especially about style and quality
- **Impact** - the force or action of one object hitting another
- **Scattering** - a small number or amount of things in a particular area
- **Vital** - necessary for the success or continued existence of something; extremely important
- **Absolute** - very great or to the largest degree possible
- **Sweeping** - large
- **Reinforce** - to make something stronger
- **Aura** - a feeling or character that a person or place seems to have
- **Invincibility** - the quality of being impossible to defeat or prevent from doing what is intended
- **Turn out** - to happen in a particular way or to have a particular result, especially an unexpected one
- **Trigger** - an event or situation, etc. that causes something to start
- **Cumulative** - increasing by one addition after another
- **Pose** - to present a difficult or dangerous situation
- **Irrelevance** - the fact that something is not related to what is being discussed or considered and therefore not important, or an example of this
- **Compelled** - having to do something, because you are forced to or feel it is necessary
- **Bury the hatchet** - to stop an argument and become friends again
- **Emphatic** - done or said in a strong way and without any doubt
- **By-election** - an election that happens at a different time from a main election, to choose a Member of Parliament to replace one who has died or left his or her job
- **Indecisiveness** - the state of being unable to make a choice
- **Uncertainty** - a situation in which something is not known, or something that is not known or certain
- **Granular** - including small details
- **Aspirant** - someone who very much wants to achieve something
- **Shun** - to ignore someone
- **Disgruntled** - unhappy, annoyed, and disappointed about something
- **Scurry** - to move quickly, with small, short steps
- **Incumbency** - the period during which someone has a particular official position
- **Rope in** - to persuade someone to do something that they do not really want to do
- **Dissident** - someone who disagrees publicly with a government, especially in a country where this is not allowed
- **Alliance** - an arrangement between two or more people, groups, or countries by which they agree to work together to achieve something

- **Loyalty** - support that you always give to someone or something because of your feelings of duty and love towards them
- **Impact** - an effect, or an influence
- **Coalition** - a temporary union of different political parties that agree to form a government together
- **Overarching** - affecting or including everything, and therefore very important
- **Advancement** - progress
- **Realign** - to change the position of something, especially in relation to the position of something else
- **Campaign** - a series of actions intended to produce political or social change
- **Rhetorical** - relating to a style of speaking or writing that is effective or intended to influence people
- **Terrain** - an area of land, usually one that has a particular physical feature
- **Fertile** - a fertile mind or situation is able to produce good ideas or results
- **Accretion** - a gradual increase in the size or amount of something through the addition of new parts

Course correction – Resolution, at last: on Essar Steel case

Essar Steel case has clarified many aspects of the Insolvency and Bankruptcy Code process

The National Company Law Tribunal's approval of ArcelorMittal's bid for the insolvent Essar Steel Ltd. is significant for several reasons. First, the Rs. 42,000-crore bid will be the largest single recovery of debt under the fledgling Insolvency and Bankruptcy Code (IBC) enacted in 2016. Assuming that the original resolution plan submitted to the NCLT stands, the secured lenders will manage to recover about 85% of their dues. The 15% haircut that they will suffer should be seen against the extraordinarily high amount of over Rs. 49,000 crore that is due from Essar Steel. Second, the case, which took 583 days to resolve, compared to the 270 days provided under the Code, has tested several aspects of the law and set important precedents for the future. Among the aspects that have been clarified during the long resolution process for Essar Steel are the eligibility of those who have defaulted in repaying their borrowings elsewhere to bid, the time-limits for bidding and the place of unsecured, operational creditors under the resolution mechanism. Finally, this was seen as a marquee case for the IBC, given the high profile of the company and its promoters, and the amount at stake. The battle royal between multinational players to acquire the insolvent company was proof, if any were needed, of the quality and importance of the underlying asset. In the event, the successful culmination of the Essar Steel case will be a big leg-up for the insolvency resolution process that is less than three years old.

To be sure, though the NCLT has given the go-ahead, the last word on the subject may not have been heard as the existing promoters could go in appeal against the verdict. The Code provides for an appeal to the National Company Law Appellate Tribunal and then to the **Supreme Court**, and it is unlikely that the promoters, who bid a much higher Rs. 54,389 crore, will let go without a fight. The banks, though, will be hoping that the process ends in the next couple of weeks as they would want to account for the receipts from the resolution process within this financial year. After all, only four

cases (excluding Essar Steel) out of the initial list of 12 big defaulters referred by the Reserve Bank of India for resolution back in June 2017 have been successfully resolved till now. Insolvency and Bankruptcy Board of India data also point to a pile-up of cases in the various benches of the NCLT. As many as 275 companies, representing 30% of the total of 898 undergoing resolution, have exceeded the 270-day limit set for resolution under the Code. This can be partly explained by the attempt of promoters to tie down the process through appeals at every stage, but the fact is that there is a need for more benches of the NCLT to clear the pile-up. The government would do well to look into this issue.

Meanings of Difficult Words :

- **Resolution** - a formal proposal that is considered by an organization and is usually voted on at a meeting
- **Aspect** - a particular part, feature, or quality of something
- **Insolvency** - the condition of not having enough money to pay debts, buy goods, etc., or an occasion when this happens
- **Bankruptcy** - a situation in which a person or business becomes bankrupt
- **Bankrupt** - a person or business that is bankrupt has officially admitted that they have no money and cannot pay what they owe
- **Tribunal** - a special law court organized to judge a particular case
- **Significant** - very large or noticeable
- **Fledgling** - new and without experience
- **Enact** - to make a proposal into a law
- **Haircut** - a reduction in the amount of debt that will be paid back to an institution that has lent a lot of money
- **Aspect** - a particular part, feature, or quality of something
- **Precedent** - an action or event in the past that is used as an example or reason for a present action or event
- **Default** - to fail to pay money that you owe
- **Elsewhere** - in or to another place or other places
- **Culmination** - the final result of a process or situation
- **Leg-up** - if you give someone a leg-up, you help them to make progress, especially in their career
- **Give the go-ahead** - to give permission to do something
- **Excluding** - used for saying that you are not including someone or something in what you are saying
- **Pile-up** - if something piles up, or if someone piles it up, the amount of it increases a lot
- **Tie down** - to stop someone from being free to do what they want

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PERFORM LIKE
YOU'VE NEVER LOST" ☞