



THE EDITORIAL PAGE

WORDLY WISE

YOU'RE NOT TO BE SO BLIND WITH PATRIOTISM
THAT YOU CAN'T FACE REALITY. WRONG IS WRONG,
NO MATTER WHO DOES IT. — MALCOLM X

The Indian **EXPRESS**

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

US VERSUS US

PM has distanced himself from NRC but he needs to go further.
He could begin by acknowledging protesters' real anxieties

ALL SPEECHES ARE made of what is said and what is not. On the day after, therefore, listen closely to both Prime Minister Narendra Modi's words, and his silences, at Ramlila Maidan in the national capital on Sunday. The seething backdrop, still unfolding, is the spiralling agitation and anger, expressed in university campuses and outside, by mostly young people, against the law fast-tracking citizenship for non-Muslim persecuted minorities from three Muslim-dominated neighbouring countries and the BJP government's oft-stated threat to extend nationwide the National Citizenship Register process in Assam. While PM Modi apparently distanced himself from his own home minister, and his party's manifesto, among others, when he denied that the NRC was being talked about by the ruling regime — a sign, perhaps, of retreat in the face of the protests — what he didn't say was even more significant and controversial: He did not say there would be no NRC. In other words, having passed a law that makes religion, for the very first time, the basis for giving citizenship to foreigners, the BJP government reserves the right to bring an NRC which would unsettle large swathes of the country's own minorities and poor at a moment of its choosing. It keeps with itself the power to pick out the "ghuspaithiya (infiltrator)" from the "sharanarthi (refugee)".

This central message was amplified by several other things that the PM said, and didn't say. From the podium on Sunday, he addressed "yeh log", "inki raajneeti", "inke irade" (these people, their politics and motives), naming the Congress and its allies, and "Didi" or West Bengal Chief Minister Mamata Banerjee. He did not speak to the agitators, denying them agency and suggesting they are mere puppets pulled by strings "parde ke peeche (in the dark)", or at the mercy of a "remote control". He exhorted his audience to demonstrate their respect for the policemen battling protesters on the street, and for elected MPs in Parliament who passed the CAB. He did not urge or express respect, or empathy, for the young people who are opposing the law by taking on the might of the state, and its brutality, mostly peacefully, and sometimes by holding aloft the Constitution and the Tricolour. In fact, PM Modi did make a mention of those who are waving the Tricolour as they oppose a discriminatory law — "yehi hai kasauti (this is the test)", he said, adding a new nationalism test to the old. If earlier, "They", those whom he had in an earlier speech identified on the basis of their clothes, and also "urban Naxals", were challenged to prove their patriotism by holding up the flag and, quite literally, by singing the national anthem, now they would also be asked, as the PM did on Sunday: Have you criticised terror, raised your voice against Pakistan, while holding the flag?

Finally, the PM employed a tactic he has used several times before. He personalised the issue, put himself at the centre. The furore over the citizenship law, he said, implicitly, explicitly, was a conspiracy to unseat him from power. The PM has said his piece. With more and more CMs standing up and saying no to the Centre on NRC, the pushback grows.

WAY FROM RANCHI

Jharkhand results offer a sobering moment for the BJP, and a reminder of the usefulness of coalitions

THE JHARKHAND RESULT should worry the BJP, not least because it has been losing assembly elections and allies since 2017-18. The loss of Jharkhand will rankle particularly, since the BJP had won 11 of the 14 Lok Sabha seats in the state in May and provided a stable government for the full five-year term, a first since the state was formed in 2000. The defeat may also have come at an inopportune time for the party — neighbouring Bihar, where the BJP is in office in alliance with the JD-U, is headed to polls next year. The gains in Jharkhand will be a boost for the Opposition, which, since the drubbing in the general election, has been lying low.

There are lessons for the BJP in the Jharkhand loss. One, the party's over-reliance on a single leader, Narendra Modi, for mobilising votes, is problematic in the states. Voters, clearly, make a distinction between national and state elections and national trends are not necessarily replicated in the states: Local issues can carry greater salience in the assembly election than so-called national issues. Modi and Amit Shah campaigned primarily on national security, including the CAA and NRC, whereas the gathbandhan — the JMM, Congress and RJD — focussed on local concerns, particularly unemployment, land alienation of tribals, failures in the delivery of public goods. The BJP projected Raghubar Das as its sole face in the state, but the move triggered dissent within the party. Two, the election may also be read as a reminder of the usefulness of alliances in a fragmented polity. The gathbandhan's success is largely the result of a well-crafted coalition whereas the BJP, once famed for its skill in building alliances, was handicapped by the absence of allies. It failed to reach a seat-sharing arrangement with the All Jharkhand Students Union Party (AJSUP), its partner in office, and that hurt both the parties: The AJSUP mopped up nearly 8 per cent of the vote.

States voting differently in the general election and in assembly polls is an indication of a powerful federal impulse that seems to have survived the BJP's push for the centralisation of politics and governance. The Maharashtra and Jharkhand outcomes suggest that ignoring regional factors, and parties, could prove costly.

LOST IN TRANSLATION

A new study shows that emotions do not always carry across languages. But there are ways to bridge the gap

THE HUMAN CONDITION, it appears, is not amenable to translation. A study published in *Science* last week found that words referring to emotions — love, anger, hate, surprise, fear — are understood in vastly different ways across language groups. "Love", for example, is closer to liking and fondness in Indo-European languages and akin to pity in Austronesian languages. Imagine, if you will, whispering sweet nothings to a paramour, and your words instead of being taken as an expression of joy are confused as being patronising.

But more than the immediate interpersonal concerns, the study challenges the notion that there can be universal values; that true communication is possible between people who come from vastly different contexts. So, while yelling "surprise!" at a party is meant to invoke a startled sense of joy, for many it only means anxiety, which in turn could be associated with either fear or regret, depending on the language group. If we can't understand what people feel, how they react to love, death, melancholy and danger, how can we have themes that resonate across the world? And have the millions who read *Crime and Punishment* in translation — and felt the despair of Raskolnikov — felt something somehow less real than the creators intended?

Not all is lost, though. Language, as many philosophers, linguists and anthropologists have shown, goes beyond merely labelling and describing an inner narrative. It is in communication — through context, metaphor, body language and empathy — that new worlds open up for people, and they realise how they really feel. Besides, in the age of techno-symbolism, a new more direct form of communication for emotional states is emerging. Perhaps, in time, the existential angst of Raskolnikov will have its own emoji.



SUHAS PALSHIKAR

IF THE MIDDLE of the year saw the BJP at an all-time high, 2019 seems to be ending on a sombre note for the party. A midnight Midas-touch by some of its leaders might still help the BJP retain office in Jharkhand, but the state assembly results surely invite a less than flattering assessment of the party. Parties are assessed on several criteria — electoral performance, governance records, popularity and the ability to set and pursue the agenda. It would be worthwhile to take stock of how the BJP is doing on these four fronts. However, electoral performance is bound to be the key to a party's performance in other arenas. That is why Jharkhand would hurt the BJP.

The Jharkhand result falls into a pattern: In its second honeymoon period, post-May, the BJP has faced three setbacks. The party can argue that these are not decisive. It has lost seats but gained vote-share, the BJP may have suffered a loss of face but retained power nevertheless (as in Haryana), it could still claim to be the single-largest party and also harp on statistical details like "strike rate" as in Maharashtra. This argument is specious, particularly in the backdrop of the party's convincing victory in May. The BJP has not found it easy to repeat its performance in the parliamentary elections in the states. This is in contrast to the post-May 2014 situation, when the BJP went on to win Haryana and emerged as the single-largest party in Maharashtra and Jharkhand, assuming office in all three states.

Surely, the party is not down — and far from being out yet. But the failure to translate its all-India victory into state victories indicates the BJP's limitations and alerts us to the splitting of electoral choices. And, the electoral outlook for the party does not appear bright — the AAP appears to have an upper hand in Delhi and the JDU is probably waiting to upset the BJP's appalcart in Bihar.

Can the BJP boast of an improved governance record? While opinions on governance in states where the party holds office are bound to be deeply divided, at least three things are clear. One, the states run by the BJP are not better governed than those run by non-BJP parties. This includes even the states where the BJP has been ruling without allies — Haryana before 2019, UP and

BJP loses another state, but continues to make its
opponents become more like BJP to fight it

Karnataka today. Two, if the economy is any indication, the abysmal failure on the governance front is apparent, particularly for a party that came to power originally promising better times. This failure is even more glaring if one takes into account the enormous trust the voters placed in Narendra Modi despite the economy not doing well in May 2019. The governance failure, thus, tantamounts to a breach of trust — and becomes colossal. Third, if governance is judged on its democratic dimension, the BJP government has gone from bad to worse in its second term. Subterfuge, sleight of hand and excessive propaganda are the techniques of non-performing governments. Having taken recourse to all these, this government is increasingly resorting to semi-repressive and clearly repressive measures to hide its non-performance.

Politics, though, is never a straightforward enterprise and the BJP can still find comfort in the fact that it continues to be fairly popular — the public may be disappointed with government's performance but not disenchanted with the party. Retaining popular acceptability, however, is going to be a tough task because over the past two parliamentary elections, the BJP has added a large number of supporters to its core base — who are around 20 per cent at most. The new supporters of the party may look for alternatives and as state elections indicate, these are rather discerning supporters who are willing to switch to state parties during state elections.

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Yet, it would be unrealistic to deny the diffused popularity enjoyed by the BJP. This popularity owes to various factors. One is the party's organisational reservoir of support. The other reason for the party's popularity is Modi himself. Much of the addition to the BJP's popularity has been Modi's contribution. So long as the PM's personal popularity remains relatively high, the party can bask in reflected glory. This source of popularity is crucial as much as it is risky. The moment Modi flounders, this chunk of popularity could diminish. The BJP's efforts to gain acceptability by building a Hindutva political identity has also been successful. It has managed to convince a large section of Hindu society to understand politics through the prism of imaginary Hindu interests.

This takes us to the fourth yardstick to assess the party: How far has it been successful in setting an agenda and pushing it towards a direction desired by it? Here, we confront a complex picture. The party has gone down from being in office in two-thirds of India two years ago to just a little over a third of the country today. But a cursory look at today's public debates would show how successful the BJP has been in setting the agenda. During the campaign for the Lok Sabha elections and after that, unemployment, the slowdown in the economy and issues related to livelihood could barely make their presence felt.

In its first term, through issues of cow-protection and instances of mob vigilantism, the party was able to keep its agenda on the front burner. More recently, it has successfully managed to legislate its agenda into public policies. In the past six months, the BJP has effectively steered the agenda of public decision-making. When we look back at the past six months, bringing a fundamental change to India's identity will emerge as the single most effective thing the BJP did in this period. It has rewritten the Constitution without having to make any amendment to it. This is something not even Indira Gandhi could do during the heyday of her authoritarian rule. And this achievement means that non-BJP parties will have to play by the new rules set by the BJP. They will have to acquiesce into the new normal of violence, hatred and illiberal law-enforcement — they will have to be more like the BJP in order to fight it. But the moment they show willingness to engage the BJP in an authentic manner, the party's achievement will shrink.

Success brings arrogance and insensitivity. The BJP exemplifies this maxim. But the BJP's problem — and the problem caused by it — goes much beyond this. It sees electoral ascendance as a licence to alter the nature of India and the character of the Constitution. With two-thirds of India keeping its distance from the BJP in state elections, it will be of immense interest how far the party can continue to push its agenda.

The writer, based in Pune, is chief editor of Studies in Indian Politics and co-director of Lokniti programme, CSDS



JANMEJAYA SINHA

I READ YOUR edit, 'Reset the boardroom' (IE, December 20) with some concern. You talk about the distinction between "decisiveness and arbitrariness" and "the growing distrust of corporates" to perhaps suggest that the actions taken by majority shareholders need to be contained. I am not a student of law and certainly don't want to go into the merits of any specific judgment. However, I do want to express my confusion around the rights of a majority shareholder and orders which grant what is not sought by a plaintiff.

In an era, where there is a lot of talk of good corporate governance and about the rights of minority shareholders, I want to ask what the rights of majority shareholders are. What is the point of owning 51 per cent of a company if you cannot decide on who the chairman of the company is? Should corporate democracy not offer clear rights to the majority shareholder (contained of course in not doing things that may be prejudicial or oppressive to the minority shareholders)? Can the majority shareholders not remove a director? Do they need to discuss who a chairman of a company is with every minority shareholder in the name of corporate governance before tak-

BOARDROOM BASICS

Minority shareholders must be protected but not at the cost of the majority

ing a decision? How would the mechanics of such consultation work?

Further, can a board not appoint or remove a CEO? Around the world we see swift action. Most recently, the GE board suddenly removed its CEO without comment. In hindsight, we may even wonder whether the decision taken was a good one for the company. But the power to do so rests with the board. We can't criticise the decision but it is not wrong. Rules allow for predictability in decision making. In fact, any business leader can tell you that every business decision that a company management takes will not be good ones, but in my view, that should not be taken as being prejudicial or oppressive to minority shareholders. What is oppressive and prejudicial to a minority shareholder is where, say, the management diverts funds out of the company. But a bad business decision cannot be seen as oppressive to minority shareholders, it happens in the course of business, all the time. Minority shareholders rights need to be protected from prejudicial actions of the majority for sure but we should be careful not to disturb the basic tenets of corporate democracy.

The other issue that to a layman is sur-

prising is when relief that is not sought is given. If a plaintiff appeals wrongful termination by a company and goes to court seeking compensation for wrongful dismissal, is it ok for a court to order that the plaintiff is reinstated or should it order on the compensation sought? The plaintiff may not have sought reinstatement because he may believe the working conditions that he will get on return, may be inimical. He wants to be compensated and have nothing to do with the company. Why should we believe the plaintiff does not know his or her own self-interest best? Does that not appear paternalistic?

Investors, domestic and foreign alike, seek predictability of law and a clear understanding of the rights of majority shareholders. Predictability in law is important in creating a business environment in which unforeseen and inefficient transaction costs to governance are not added. Otherwise there is too much uncertainty in conducting business. I truly hope this gets cleared very soon.

The writer is chairman, Boston Consulting Group, India. Views are personal

DECEMBER 24, 1979, FORTY YEARS AGO

URS ON JANATA
DEVRAJ URS, CONGRESS president, hinted that his party might, if necessary, form a coalition government at the Centre with the Janata after the elections. Talking to newsmen after a hectic tour of West Bengal and Orissa, Urs ruled out his party joining hands with the Congress (I). Urs, for the first time, admitted that it was a "mistake in a way" to join the Lok Dal-headed central ministry. He also refrained from making any assessment of Lok Dal-prospect in the forthcoming election. But he kept the option of supporting or forming a coalition with other parties after the election open saying that, "I would not like to make any predictions."

INDIA'S OIL BILLS
INDIA'S BILL FOR import of crude oil and petroleum products will go up by at least Rs 1,200 crore during 1980 as a result of the latest hike in prices by the oil exporting countries. The total import bill for crude and petroleum products would cross Rs 4,500 crore next year as compared to the estimated total import bill of about Rs 3,300 crore in the current year. The increase in outgo of foreign exchange for the projected import of 18 million tonnes of crude oil is estimated at Rs 960 crore. India is hit hard by the recent price hike because all her traditional oil suppliers, including Iraq, Iran, Saudi Arabia, United Arab Emirates and Libya have pushed their oil

prices ranging from \$4 to \$6 per barrel.

MORARJI ON POLLS
MORARJI DESAI SAID in Hyderabad that he was opposed to the presidential form of government because it would lead to more dictatorship. It suited the US because the people there were "more alive and conscious of their rights" and a president had to leave office with just one Watergate scandal. Desai admitted that the Janata's poll prospects were not the same as they were in 1977. Though he was personally not in favour of coalition governments, coalition by itself was no evil and such governments were successfully functioning in many countries, Desai said.



The Ideas Page

A deluded dissent

The notion that CAA is anti-minority is based on conspiracy theories. It is, in fact, a fulfilment of India's moral and constitutional obligation to minorities in its neighbourhood



RAKESH SINHA

IN A DEMOCRATIC society, the formulation of a law — apart from constitutional compatibility — is expected to address two subjective issues. The first is its social utility and the second, the moral consciousness of the people. It is in this context that the Citizenship Amendment Act (CAA) should be examined. Its critics assert that it betrays our commitment to secularism, the very foundation of the Constitution. Is this objection valid?

The idea of the CAA was mooted and finally given shape in law to protect people from religious persecution in three neighbouring countries — Pakistan, Bangladesh and Afghanistan. All of them are Islamic states and the increasing radicalisation of society in these countries led to brute religious majoritarianism against minorities — Hindus, Sikhs, Buddhists, Jains, Parsis and Christians. There has been consensus in India that such victims should be given dignity and protection. In fact, it constitutes a core ingredient of our social philosophy from time immemorial. Even before we framed our secular democratic Constitution, India provided shelter to people facing religious persecution. When Parsis and Jews faced threats to their right to worship and religious identity, they found dignity and space on our soil. According to the 1931 census, there were 1,09,752 Parsis and 24,000 Jews in India. Moreover, both these communities have shown little inclination to return to their respective nations. The CAA is consistent with this secular tradition of India.

The Indian state has never been antithetical to the cause of minorities in our neighbourhood, irrespective of the political party in power. Such victims have been accommodated during the Congress government in the past as well. Even the Left parties supported India's active intervention to protect "refugees" from Bangladesh. The 20th party congress of the CPM in 2012 passed a resolution demanding an amendment in the Citizenship Act 2003 to give citizenship to Bengali refugees who were, according to the party, victims of "historical circumstances". The unchecked atrocities on minorities in these states by fundamentalists, and the failure of the states to defeat such elements, gave rise to an abnormal situation.

There were over two lakh Hindus and Sikhs in Afghanistan before the 1990s. Their number has dwindled to a few hundred in the last three decades. Further, out of 64 temples and gurdwaras in the country, only three are functional.

The situation in Bangladesh is no less grim. The work of Abul Barkat of Dhaka University and statistics released by the Bangladesh Statistical Bureau revealed a situation beyond our imagination. Barkat, based on decades of research, establishes that 632 Hindus have gone missing everyday in Bangladesh since 1964 (East Pakistan till 1971). Both the sources confirm that no less than 11.1 million Hindus have gone missing in Bangladesh between 1964 and 2013. The Enemy Property Act was renamed as the Vested Property Act after the formation of Bangladesh. It affected more than 1.3 million Hindu households — more than two lakh acres of land possessed by the Hindus was forcibly grabbed. The efforts of the state to safeguard Hindus remained abysmally ineffectual. In 2002, Bangladesh enacted the Vested Property (Return) Act and subse-

quently the Vested Property (Return) Amendment Act, 2011 with the intention to give back possession of their land to Hindus. But this was in vain.

The Jinnah Institute in Pakistan and other sources, including news reports in the international and national media, present a gloomy picture of the condition of Hindus and other religious minorities in that country. Attacks on the dignity of women, forcible conversions, grabbing of land and other properties of the Hindus and Christians have been a part of daily life.

It is thus urgent to address the existential threat to religious minorities in these three countries. And it is with this aim that the Narendra Modi government formulated the CAA. Contending that this humanitarian action is a betrayal of our commitment to secularism is a classic example of the peculiar absurdity of double think. The CAA is, rather, an extension of and commitment to the idea of secularism.

The Act also corrects the historical mistake committed in the Nehru-Liaquat pact. Then Prime Minister Jawaharlal Nehru had not engaged his cabinet colleagues and senior party leaders before signing the pact on February 8, 1950. The secular pretensions of Nehru, emanating from the Western variety of flawed modernity, led him to backtrack from the promises to the Hindus who lived in Pakistan. The Congress leadership had promised during Partition that their life and religion would not be in peril. The pact was a great retreat from that promise. Syama Prasad Mookerjee resigned from the Union cabinet on February 19, 1950, in protest against the Nehru-Liaquat Pact. A few months later, the world witnessed the protest by the Law Minister of Pakistan, J N Mandal, whose close friendship with M A Jinnah was well known. The undiminished atrocities on Hindus, particularly Scheduled Caste women, led him to resign from the government on April 29, 1950 and return to India. He wrote: "I cannot bear the load of untruth and pretensions that Hindus live with honour and security of their life, religion and property in Pakistan."

On December 4, 1947, Mahatma Gandhi demanded that the Nehru government bring back Scheduled Castes from Pakistan due to the inhuman treatment meted out to them and their forced conversion. The CAA is a fulfilment of the historical responsibility to those people whom Partition made state-

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less. India's secular democracy has historically been invested with moral force and this has been exhibited by the CAA. Earlier, governments used gradualism to provide protection to the Hindus and other minorities of these states. The Modi government has formalised the process to end the uncertainties and odds faced by these stateless and persecuted people.

In a democracy, dissent and doubts are important and logical dialogue is the only way to yield a constructive consensus. But the protests that emerged abruptly against the CAA seem to be explicitly driven by a prejudice against the government — that it is pursuing Hindutva majoritarianism to exclude Muslims. This is based on an over-active imagination and conspiracy theories. How does giving humanitarian shelter to the victims affect Indian Muslims or any other citizen of India?

Importantly, Muslims in these countries do not face any crisis in pursuing their right to worship. India cannot meddle in the internal disputes among various sects of Islam, whether Ahmadiya or Shia or Sunni, who have been competing with each other for hegemony and over interpretations of the historical evolution of Islam. Religious persecution and aspiration for hegemony are two different things.

The concept of citizenship is not static or stagnant. It is a dynamic process and is intertwined with the nation state. It progressively expands and sometimes, unwillingly, shrinks according to circumstances.

There are two examples from our own historical experiences. Millions of Indians ceased to be citizens with the formation of Pakistan as fraternity mutated into unfriendliness between communities. The second example is reflected in a correspondence between two great Parsi leaders. Dadabhai Naoroji wrote the following to Dinshaw Wacha on December 20, 1888: "We are India's and India is our mother country... and we can only sink and swim as Indians. If we break with it our fate will be that of a peacock feather's."

The CAA fulfils both the constitutional morality and civilisational ethos historically endowed to us. It is time for the Muslims to be part of this Indian tradition rather than being fed the delusion that the Modi government is anti-minority.

The writer is a Rajya Sabha MP from the BJP

WHAT THE OTHERS SAY

"Modi should be in no doubt: the world is watching him now. His reputation and India's are in the balance. The hateful victimisation of Muslims must stop. A good start would be the immediate scrapping of the noxious citizenship bill."

— THE GUARDIAN

When politics hurts diplomacy

Delhi needs to remove growing negative perceptions of its domestic policies in the Muslim world



RAJA MANDALA

BY C RAJA MOHAN

THE ISLAMIC SUMMIT in Kuala Lumpur last week raised many familiar questions about the role of religion in promoting solidarity between nations; it also reminded us of the well-known answer that national interest often tends to trump shared faith. The gathering in Kuala Lumpur did bring some key Islamic nations together, but it also revealed the deepening schisms in the Muslim world today that are of considerable importance for the Subcontinent.

While Malaysia, Turkey and Qatar were the moving forces behind the summit, Saudi Arabia, Egypt and the United Arab Emirates were among the notable absentees. Indonesia, the world's largest Islamic nation, kept a low profile at the summit, while Pakistan's Imran Khan was a surprising dropout at the last minute.

For Mahathir Mohamad, the summit, and the diplomacy surrounding it are means to increase his domestic room for manoeuvring and win a leadership role in the Muslim world. Many in the Middle East, however, see the claims for Islamic leadership from outside the region with either bemusement or condescension.

The real contestation for leading the Islamic world remains within the Middle East. Turkey and Iran have a long tradition of challenging the Saudi leadership of the Islamic world. Qatar, which punches way above its weight, has now joined their ranks.

The Saudis expressed displeasure at convening the Islamic nations outside the Organisation of the Islamic Cooperation. Mahathir, of course, claimed that the summit was not about undermining the OIC and its Saudi leadership. But, he said enough to suggest that the OIC has not been an effective instrument in addressing the contemporary challenges facing the Islamic world.

The idea that religion can bind people together has an enduring appeal. In practice though, religion has not been enough to sustain unity within and among nations that profess a common faith. Many countries in the Islamic world struggle to respect the rights of minorities, Muslim or non-Muslim, and cope with the problems of religious sectarianism and ethnic separatism.

If keeping the faithful together within a nation is hard enough, it is a lot harder to promote supra-national solidarity in the name of Islam. The origins of pan Islamism date back to the late 19th century, but its record in binding nations has not been impressive.

The same is true of ethnicity-based solidarity in the world. For example, the pan-Arab and pan-Asian movements that stirred the world in the 20th century, are today, pale shadows of themselves. While the decline of pan-Arabism has been evident, the idea of Asian solidarity endures. But, just look beneath the rhetoric on "Asian solidarity", and you will find deep contradictions between, for example, China and India, and China and Japan.

Solidarity based on other ideologies, class or political values, too has been difficult to

sustain for long periods. The communist solidarity that seemed so powerful in the middle of the 20th century crashed quickly against the rocks of nationalism in Central Europe, Russia and China.

On the face of it, shared values — political and economic liberalism — have been far more successful in holding together the so-called political and economic "West". After the collapse of the Soviet Union, it became ever harder to sustain harmony within the western world. US president Donald Trump appears determined to restructure the political-economic institutions built after the World War II. Intra-Western contradictions shaped the world before the middle of the 20th century, and are becoming an important factor in the 21st century. In all these cases, the tension between transcendental ideologies and narrow national interests has often been resolved in favour of the latter.

The splits in the Islamic world exposed by the Malaysian summit should be of great interest to the Subcontinent. The main differences are about political Islam and its role in shaping the domestic structures in Muslim nations. Turkey and Qatar have championed the Muslim Brotherhood that seeks to overthrow the current political order in Saudi Arabia, the UAE, as well as in Egypt. Iran has its own variant of political Islam for export.

Saudi Arabia, Egypt and the UAE seek to protect their own societies and state structures from external onslaught, and are pushing back. Beyond the nature and role of Islam, there is also the growing competition among the major Middle Eastern states for strategic influence in the region and beyond.

The South-Asian political discourse tends to see the Muslim world as a monolith. That has become increasingly difficult to maintain amidst the current conflicts in the Middle East.

Imran Khan has showcased his special relationships with Turkey's President Recep Tayyip Erdogan and Malaysia's Mahathir. He was supposed to play a leading role at the Kuala Lumpur summit. But, apparently under pressure from the Saudis and the Emiratis, his main economic benefactors, he chose to stay home.

For Delhi too, the divisions in the Islamic world are of significance. If Malaysia and Turkey have become increasingly critical of the NDA government's policies, the UAE and the Saudis have given India the benefit of doubt, until now. The Qatar-owned Al Jazeera channel has run a far more damaging campaign against Delhi in recent months than the much-maligned *New York Times*.

Delhi has an urgent need to remove the growing negative perceptions of its domestic policies in the Middle East and more broadly the Muslim world. In his speech at a rally in Delhi on Sunday, Prime Minister Narendra Modi referred to India's expanding friendships in the Middle East during the last few years. The PM, however, might be in the danger of squandering a major diplomatic achievement, if he miscalculates the external costs of the government's domestic politics. Worse still, Delhi might be giving an opportunity to an otherwise divided world, Muslim and non-Muslim alike, to agree in their disapproval of India's domestic politics.

The writer is director, Institute of South Asian Studies, National University of Singapore and contributing editor on international affairs for The Indian Express



DUSHYANT DAVE

While the court fiddles

Apex court has not acted with urgency to protect citizens from executive excesses

THE SUPREME COURT of India enjoys an extraordinary status in the hearts and minds of Indians. They look up to it when it comes to keeping the essence of the nation intact and insulated from attacks by the executive of the day. The Court has created for itself an exalted position over the last seven decades by assuming the role of a sentinel on the Qui Vive ("on the alert" or "vigilant").

Part III of the Constitution of India contains Fundamental Rights and Article 13(2) thereof mandates that, "The State shall not make any Law which takes away or abridges the rights conferred by this part and any Law made in contravention of this Clause shall to the extent of contravention be void." Thus, there is a twofold provision — prohibiting the state from making an unconstitutional law, and simultaneously declaring that such a law would be void. Article 14 contains a positive injunction against the state: "The State shall not deny to any person equality before the Law or the Equal Protection of the Laws within the territory of India".

Affirmative action on the part of the state in favour of disadvantaged sections of society is within the framework of liberal democracy. Socio-economic justice is part of the equality clause. Equal protection also means right to

equal treatment of citizens: This is the essence of Article 14, a basic feature of the Constitution, which obliges the courts, especially the Supreme Court, to review state-made laws and declare them as unconstitutional, if found to be so. The Court cannot desert its duty to determine the constitutionality of an impugned statute. And so, the decision of the SC, led by the chief justice himself, to defer the examination of the challenge to the much talked about Citizenship (Amendment) Act, 2019 is, to say the least, disappointing.

The Court should have put aside other matters and heard the group of writ petitions challenging the validity of this ex-facie unjust law. Its vacation is hardly an excuse to defer such a challenge. Even if the judges wanted to enjoy their much deserved winter vacation, their refusal to stay the law is even more disturbing. Such an order would have immediately defused the tempers running high across the nation, and, "We, the People" could have breathed a sigh of relief. Instead, the judges have left us to fend for ourselves in the streets of our cities. The cost of this decision by the Court will only become clear with time.

The granting of a stay order against the operation of this citizenship law would not have caused any prejudice to public interest

whatsoever. On the contrary, it is my belief, that it would have served the public interest well. It is true, there is, generally, a presumption in favour of constitutionality of law. But that is not an absolute rule. If the Act ex-facie violates the fundamental rights of citizens, a mere presumption which decides the burden cannot serve that law.

The Delhi High Court's order to defer the writs in the Jamia violence cases is a shocking abdication of its constitutional duty. It appears that judges across the spectrum are unwilling to test the executive's actions, however unconstitutional they may be.

We must beware that the popular saying, "Nero fiddled while Rome burned", does not come true for this great nation. The Supreme Court, in recent years, has shown its leanings in favour of the executive. In a series of decisions, the Court has, surprisingly, justified many of the state's actions, which either needed a deeper probe or simply to be declared unlawful. In fact, the Court is almost proving that it stays in ivory towers. After the appointment of the current chief justice, those of us who admire the Court had expected a departure from such a course.

One can only hope that the Court introspects and intervenes forthwith to stop any

bloodshed in the country, and assuage the sentiments of a large section of the society, which feels they are no longer wanted.

The Preamble is an irreversible contract between the state and its people to keep India a "Sovereign, Socialist, Secular, Democratic Republic", and, "to secure to all its citizens" justice, equality, fraternity and liberty of thought, expression, belief, faith and worship.

The great judge, H R Khanna, in the celebrated Kesavananda Bharati case declared that the "State shall not discriminate against any citizen on the ground of religion only", and, interpreted Articles 15(1) and 16(2), even before the "secular" word was added to the Preamble.

All citizens, including judges, must remember the words of B R Ambedkar: "It is quite possible for this new born democracy to retain its form but give place to dictatorship in fact. If there is a landslide, the danger of the second possibility becoming actuality is much greater." These words appear too relevant today. Will the judiciary's conscience awaken soon?

The writer is a senior advocate at the Supreme Court of India

LETTERS TO THE EDITOR

PM'S POSTURING

THIS REFERS TO the reports, "PM: No talk of NRC at all" and 'Reality check: Before PM's distancing, there was Shah's underlining' (IE, December 23). Prima facie both are contradictory. Statements made on the floor of the House and public statements from BJP leaders like Rajnath Singh and J P Nadda were not referred to by the PM while criticising the Opposition. His was a selective public posturing that may not allay anxieties.

L R Murmu, Delhi

CHANGING TASTES

THIS REFERS TO the article, 'Some onion lessons' (IE, December 23). The solutions the authors offer to curb onion prices are valid. Yet, it is beyond belief that people will adopt dehydrated onions to replace fresh onions. Changing the food preferences of the people will require strong political will and the appetite to digest a backlash. The most appropriate solution is to shift towards reliable contract farming and farm-to-fork supply chains.

Kabir Singh Brar, Chandigarh

HUGS NOT ENOUGH

THIS REFERS to the editorial, 'Delhi

LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to editpage@expressindia.com or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301.

can't duck' (IE, December 23). The controversy over External Affairs Minister S Jaishankar's cancelling his meeting with a US Congressional Committee over India's controversial track record on human rights has not erupted out of the blue. It is the Indian diplomatic establishment and government that thought that our bear hugs and occasional anti-China postures will keep America in a good humour. For obvious reasons, Jaishankar cannot dare to be his own master in such matters.

Tarsem Singh, Mahilpur