26/2 Communal Violence in Delhi: Test of Governance https://www.thehindu.com/opinion/editorial/a-test-of-governance-on-delhi-violence/article30915943.ece	What has happened? • Communal violence in parts of Delhi, an earshot away from the nerve centre of the government of India, has claimed 13 lives and left over 150 injured. Mobs of pro-CAA demonstrators and anti-CAA protesters wielding sticks and weapons have taken over parts of the city and the Delhi police have proved themselves woefully

	inadequate at best and outrageously partisan and communal at worst, in responding to the situation. Is it impulsive or shown signs before? • There was nothing abrupt or unexpected about the violence that erupted in the city's north-eastern parts on Monday. This has been in the making for weeks. There was arson and violence on December 16,

	in areas around the Jamia Milia Islamia, to which the police responded by indiscriminately unleashing violence on students inside the university. A group of masked rioters went from room to room in student hostels in JNU on January 5 and the police stood passively. Rioters clearly identified through pictures have not been

	arrested yet. The Delhi police did nothing when a gunman opened fire at anti-CAA protesters on January 30. This smouldering situation turned into conflagration by Sunday evening as mobs formed on communal lines prepared to take on each other. Both sides complain that calls were made to the police since Sunday but there was no effective

	intervention. As chaos and arson spread through Monday, Union Home Secretary Ajay Bhalla inexplicably characterised the situation as “fully under control”. Why police proved to be ineffective? • The inaction and inefficiency of the Delhi police is linked to varying grades of incitement and silent consent to communal mobilisation by the BJP

	that is in power at the Centre. Policing and law and order in Delhi are the responsibility of the Union Home Ministry. Speeches of Home Minister Amit Shah and Prime Minister Narendra Modi during the recent Assembly election campaign in Delhi were clearly meant to encourage communal polarisation. Lower rung leaders acted

	on cue and turned Delhi into a communal cauldron over recent months. Union Minister of State for Home G. Kishan Reddy's statement that the Delhi violence is a "conspiracy to shame India globally" during U.S. President Donald Trump's visit is beside the point. The unfailing efficiency claimed by those who control the

	Central and State governments in Delhi will be proven shallow if they cannot enforce elementary law and order right under their nose. Way Ahead • Communal violence any time, anywhere happens only due to the inefficiency or collusion or both of those in power. The Prime Minister and Delhi Chief Minister Arvind Kejriwal must prove their

	efficiency and administrative skills by clamping down on violence, whatever it takes.
26/2 A power-hungry Mahathir has pushed Malaysia toward political instability leading to Crisis in Malaysia https://www.thehindu.com/todays-paper/tp-opinion/crisis-in-malaysia/article30918000.ece	Context • The abrupt resignation of Malaysian Prime Minister Mahathir Mohamad on Monday has triggered the first major political crisis in the country since the 2018 general election and could upturn the reform process initiated by the coalition

	government. Reason for Resignation • Though the nonagenarian leader has not said why he submitted the resignation even after the ruling Pakatan Harapan coalition had reaffirmed its support for his premiership, his decision appears to be a calculated move to prevent handing over power to Anwar Ibrahim, his one-time colleague-turned-nemesis-

	turned coalition partner. Background • Mr. Mahathir, who was in power from 1981 to 2003, and Mr. Anwar, who had once served in Mr. Mahathir's cabinet until he was jailed for sodomy in the late 1990s, joined hands prior to the 2018 election to take on the Malay nationalist United Malays National Organization (UMNO), which had ruled the

	country for six decades. The Pakatan Harapan coalition consisting of nationalist, centrist and ethnic Chinese parties, represented the diversities of the Malaysian society and promised voters a pluralistic, corruption-free government. After the surprise victory, Mr. Mahathir became the Prime Minister again, but with support

	from both Mr. Anwar's People's Justice Party and the Democratic Action Party. The understanding : Mr. Mahathir would form the government and hand over power to Mr. Anwar later. Why Crisis? • The source of the crisis is this delicate power-sharing deal. Mr. Mahathir refused to give a firm commitment or timeline to hand over power to Mr.

	Anwar despite requests from the latter's party. The coalition was in trouble as a rival bloc within Mr. Anwar's party had accused him of trying to topple Mr. Mahathir. As the crisis worsened, Mr. Mahathir announced his resignation and his party, the Malaysian United Indigenous Party, quit the coalition. So in effect, the Pakatan Harapan has collapsed. It is not clear what

	the next moves of Mr. Mahathir and Mr. Anwar will be; neither of them has a majority on their own. A new coalition will need 112 seats for majority in the 222-member Parliament. Mr. Mahathir's party has only 26 lawmakers. Mr. Anwar's party had won 50 seats in 2018, but it is not clear now whether he has the support of all his party lawmakers. This means

	Malaysia is expected to see some dirty political fights in the coming days. And if neither side manages to win a majority, the country will go to the polls. This crisis could have been avoided had the Pakatan Harapan leaders lived up to the promises they made to themselves and to the voters. The coalition government had a promising

	beginning with a wider representation of minority groups and its bid to root out corruption in a country that is yet to recover from the 1MDB scandal. Ideally, Mr. Mahathir should have honoured the understanding he reached with his partners and allowed the coalition to complete its term. But it does not seem to be his priority any more.

26/2 NOTA: More psychological than an empowering voter option https://www.thehindu.com/todays-paper/tp-opinion/more-psychological-than-an-empowering-voter-option/article30918007.ece	Recently Used in • The recently-concluded Delhi Assembly elections were the 45th Assembly polls since the inception of the none of the above (NOTA) option in 2013. Delhi has now provided data from five elections with the NOTA option: three Assembly (2013, 2015, 2020), and two Lok Sabha (2014, 2019); no other state has yielded this yet. And Delhi,

	although mostly urban, is widely regarded as the microcosm of India. Data on Recent Usage • Delhi Assembly Election 2020→ However, Delhi's preference to NOTA is less than the national average. From 0.63% in 2013, Delhi polled 0.39% of those favouring NOTA in 2015, a statistically significant reduction

	indeed. It now increased to 0.46% in 2020; again statistically significant. While 96% of the constituencies had a reduced percentage of NOTA votes in 2015 than 2013, the NOTA percentage has increased in 71% constituencies this year. In the Lok Sabha elections, Delhi polled 0.47% and 0.52% of those favouring NOTA, in 2014 and 2019,

	respectively. Thus, roughly one in 200 voters of Delhi opted for NOTA in the last six to seven years, with relatively larger support for NOTA in reserved constituencies . • Gujarat Assembly Elections 2017→ Interestingly, in the 2017 Gujarat Assembly elections, despite being 1.8%, NOTA got more votes than any political party other than the

	Indian National Congress and the Bharatiya Janata Party (except the Independents). Again, in the 2019 Maharashtra Assembly election, NOTA became a runner-up in two constituencies — Latur (Rural) and Palus-Kadegaon. Do these cases mark any significant shift in the voter mindset? What NOTA is about? • In 2013,

	India became the 14th country to institute negative voting through NOTA. However, it is not a “right to reject”. NOTA in India is a toothless option;, former Chief Election Commissioner of India S.Y. Quraishi, had observed in an article: “Even if there are 99 NOTA votes out of a total of 100, and candidate X gets just one vote, X is the winner, having obtained the

	only valid vote. The rest will be treated as invalid or ‘no votes’.” NOTA enfeebles the electorate as it does not empower to “select” either. Certainly NOTA provides democratic means to express resentment anonymously rather than boycotting the polls outright. In her 2017 book, The Dramatic Decade: Landmark Cases of

	Modern India, Indu Bhan has given examples such as a group of women activists in Kerala out on the road urging people not to elect any candidate if no woman was present in the fray, and a youth group in Tamil Nadu that campaigned for NOTA as a protest vote against corruption. Should be given teeth? • There have been pleas to extend the

	scope of NOTA. In 2018, a former CEC, T.S. Krishnamurthy, has recommended holding elections again in those constituencies where the victory margin is less than the total numbers of NOTA. A PIL has been filed in Madras High Court seeking the full right to reject in place of NOTA. • In June 2018, the Maharashtra State Election Commission

	(SEC) issued an order that said: “If it is noticed while counting that NOTA has received the highest number of valid votes, the said election for that particular seat shall be countermanded and a fresh election shall be held for such a post.” In November 2018, the SEC of Haryana went a step further and issued an order where NOTA is treated like a “fictional

	candidate” in municipal polls from December 2018. If NOTA gets maximum vote, none of the “real” candidates will be declared elected, and the elections will be cancelled and held afresh. What is more, the candidates securing votes less than NOTA would be barred from contesting in that re-election. Interestingly, in Makassar, Indonesia, the

	only candidate in the 2018 election for mayor received 35,000 less votes than NOTA, which forced a repeat election in 2020. • While introducing NOTA, the Supreme Court anticipated that “there will be a systemic change and the political parties will be forced to accept the will of the people and field candidates

	who are known for their integrity." Thus, its percentage should either increase to enforce the political parties to field candidates with "integrity", or NOTA percentage should consistently decrease if the electorates feel that the system has achieved the desired level of cleansing. In contrast, the share of NOTA votes in India

	remained around a meagre level of 1% on an average; 1.11% in the 2014 Lok Sabha, and 1.08% in 2019, if we consider constituency-wise averages. This perhaps represents a confused state of mind of the electorate. Has the perceived cynicism of Indian voters regarding the right to reject been exaggerated? What would happen if the ECI empowers NOTA with

	teeth, for example candidates securing lesser votes than NOTA (and possibly the political party concerned also) are barred from contesting in the next election from that constituency? If not teeth then what? • Is NOTA, as the last button of all EVMs in the country, a psychological issue as far as the electorates is concerned? Delbert A. Taebel, in a

	seminal article in the American Journal of Political Science in 1975, and Jonathan G.S. Koppell and Jennifer A. Steen, in their 2004 article in The Journal of Politics, have discussed the possible advantage of the first position in the ballot, at least in the U.S. context. Although there is no such concrete study to gauge the Indian voter's mindset that I

	know, I wonder whether using NOTB (‘none of the below’) instead of NOTA — with such an option as the first on the electronic voting machine — might produce a significantly different outcome or not. An experiment, after changing the rule suitably, can be attempted, at least.
26/2 only after a guarantee of the sum of all promised by the Constitution that	Birth of Fundamental

citizens can be asked to do their duty i.e. Rights, duties and the Constitution https://www.thehindu.com/todays-paper/tp-opinion/rights-duties-and-the-constitution/article30918004.ece	Duties • At the height of the Emergency, Indira Gandhi's government enacted sweeping changes to the Constitution, through the 42nd Amendment. These changes were intended to entrench the supremacy of the government, permanently muzzle the courts, and weaken the constitutional system of checks and balances which was

	designed to avoid concentration and abuse of power. And in the Amendment's Statement of Objects and Reasons, one line stands out: "... it is also proposed to specify the fundamental duties of the citizens and make special provisions for dealing with anti-national activities." What it was trying t implying? • "Fundamental duties" and "anti-national activities"

	came into the world fused at the hip. And while Indira Gandhi's Emergency regime has long been consigned to the dustbin of history, its legacies endure. "Anti-national" has become a boundlessly manipulable word, that, in the spirit of Humpty Dumpty, can mean whatever those in power want it to mean. "Fundamental duties" have been making a

	comeback as well: at an International Judicial Conference 2020 this weekend, the Chief Justice of India, S.A. Bobde, drew attention to the Constitution's Fundamental Duties chapter. He then went further, and citing Gandhi's Hind Swaraj, observed that "real rights are a result of [the] performance of duty." • There is, of course, an intuitive

	plausibility to the CJI's words. They conjure up the image of the ungrateful and selfish citizen, happy to pluck the fruits of civilisation, but unwilling to do their bit to water the tree. Nonetheless, despite its plausibility, this conflation of rights and duties ought to be resisted. Web of Duties • The first thing to note is that as citizens, there exists a wide range of duties that

	bind us in everyday life. These duties are owed both to the state, and to other individuals. We have a legal duty to pay our taxes, to refrain from committing violence against our fellow-citizens, and to follow other laws that Parliament has enacted. Breach of these legal duties triggers financial consequences (fines), or even time in jail. At any

	given time, therefore, we are already following a host of duties, which guide and constrain how we may behave. This is the price that must be paid for living in society, and it is a price that nobody, at least, in principle, objects to paying. What they implicit? • Our duties and the consequences we bear for failing to keep them therefore exist as a self-

	contained whole. They follow a simple logic: that peaceful co-existence requires a degree of self-sacrifice, and that if necessary, this must be enforced through the set of sanctions. What's the logic behind Fundamental Rights? • Rights, on the other hand, follow a different logic entirely. This is a logic that is best understood

	through history. At the time of the framing of the Indian Constitution and its chapter on Fundamental Rights, there were two important concerns animating the Constituent Assembly. The first was that under the colonial regime, Indians had been treated as subjects. Their interests did not count, their voices were unheard, and in some cases — for

	example, the “Criminal Tribes” — they were treated as less than human. Apart from the long and brutal history of colonialism, the framers also had before them the recent example of the Holocaust, where the dignity of more than six million people had been stripped before their eventual genocide. • The first role of the fundamental rights chapter,

	therefore, was to stand as a bulwark against dehumanisation. Every human being no matter who they were or what they did had a claim to basic dignity and equality that no state could take away, no matter what the provocation. One did not have to successfully perform any duty, or meet a threshold of worthiness, to qualify as a rights bearer. It was simply

	what it meant to be human. • Second, the framers were also aware that they were inheriting a deeply stratified and riven society. The colonial regime had not been the only oppressor; the axes of gender, caste and religion had all served to keep masses of individuals in permanent conditions of subordination and degradation. The second

	role of rights, thus, was to stand against hierarchy. Through guarantees against forced labour, against “untouchability”, against discriminatory access to public spaces, and others, fundamental rights were meant to play an equalising and democratising role throughout society, and to protect individuals against the depredations visited on them by their

	fellow human-beings. • The twin principles of anti-dehumanisation and anti-hierarchy reveal the transformative purpose of the fundamental rights chapter: the recognition that true democracy could not exist without ensuring that at a basic level, the dignity and equality of individuals was protected,

	both from the state as well as from social majorities. It was only with these guarantees could an individual rise from the status of subject to that of citizen. And, as should be clear by now, it was only after that transformation had been wrought, that the question of duties could even arise. Where the issue lies?: conflation of rights and duties. • This is not to suggest, of

	course, that duties are unimportant. As indicated above, duties exist in every sphere of society. Moreover, the language of duties can play an important role in a society that continues to be divided and unequal: in such a society, those who possess or benefit from entrenched structural and institutional power (starting with the state, and going

	downwards) certainly have a “duty” not to use that power to the detriment of those upon whom they wield it. That is precisely what the guarantees against “untouchability”, forced labour, and discriminatory access in the Constitution seek to accomplish. • The problem, however, lies in the conflation of rights and duties. As Samuel Moyn

	points out in an illuminating article in The Boston Review, “the rhetoric of duties has often been deployed euphemistically by those whose true purpose is a return to tradition won by limiting the rights of others”. Moyn’s target here are traditions that invoke the language of duty (often alongside terms such as “community” or “family”) in order to

	subordinate or efface the individual in the face of the collective (whether state or community). In that context, it is always critical to remember Dr. B.R. Ambedkar's words in the Constituent Assembly (which were also cited by the CJI in his speech): that the fundamental unit of the Constitution remains the individual. • If the

	position of the individual and the Constitution's commitment to combating hierarchy is kept in mind, then the language of duties can be understood in its proper context. Without that, however, we risk going astray. A good example of this is a Supreme Court judgment from the early 1980s, which upheld the differential treatment of male and

	female flight attendants on the ground that women had a “duty” to ensure the “good upbringing of children” and to ensure the success of the “family planning program” for the country. • The judgment is a stark reminder that without the moral compass of rights and their place in the transformative Constitutional scheme the

	language of duties can lead to unpleasant consequences. It can end up entrenching existing power structures by placing the burden of “duties” upon those that are already vulnerable and marginalised. It is for this reason that, at the end of the day, the Constitution, a charter of liberation, is fundamentally about rights. It is only after guarantee to all the full sum

	of humanity, dignity, equality, and freedom promised by the Constitution, that we can ask of them to do their duty. Way Ahead • Perhaps, then, it is time to update Hind Swarajfor the constitutional age: “real duties are the result of the fulfillment of rights”.