



Parallel probes

According priority to inquiry into the sexual harassment complaint is a welcome move

It is reassuring that there will be no parallel inquiries into the two sets of allegations that have rocked the Supreme Court. Justice (retired) A.K. Patnaik, who has been tasked with probing an alleged conspiracy against the Chief Justice of India, has made the right decision by choosing to wait for the end of the in-house inquiry into a former woman employee's complaint of sexual harassment by the CJI and subsequent victimisation, before starting his work. The court constituted two inquiries to deal with the situation following the complaint against the CJI. A three-judge Bench, passing orders on a matter concerning the independence of the judiciary, appointed Justice Patnaik to investigate the affidavits filed by Utsav Singh Bains, an advocate, who has alleged a larger conspiracy against the CJI involving disgruntled court employees and other 'fixers'. On the administrative side, an in-house committee headed by Justice S.A. Bobde will look into the complaint of the dismissed woman court assistant. The Bench emphasised that the probe into the alleged plot would not impinge on the harassment complaint. However, it was obvious that it would not be possible for such parallel proceedings to be independent of each other. Mr. Bains has alleged he was offered up to ₹1.50 crore by someone to file a false complaint against the CJI. It would have been well nigh impossible to verify the claim without examining if the intermediaries had any nexus with the complainant.

Clearly, the complaint of sexual harassment should get priority. It is only if the complaint is found to be false that there will be a case to probe whether it was part of a plot to malign the CJI, or a conspiracy. It is unfortunate that the composition of the in-house committee became a controversy. There was concern that there was only one woman member, and the complainant raised the issue of the proximity of one of its members, Justice N.V. Ramana, with the CJI. He has now recused himself to make way for another woman judge. The episode has highlighted the lacuna in the in-house procedure the judges have adopted. There is no provision to deal with a situation where the CJI is the subject of a complaint. Also, the idea of the inquiry being wholly 'in-house' is in conflict with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which envisages the presence of an external member. Despite this shortcoming, the committee should try to ensure a fair hearing for the former employee. The dignity and institutional integrity of the judiciary will be better served by probing the veracity of her charge, rather than by pursuing evidence for sweeping claims that "the rich and the powerful" are trying to run the courts.

Backstop option

Brexit modalities are putting pressure on the fragile peace in Northern Ireland

Journalist Lyra McKee's gruesome murder in Londonderry last week has brought into focus the fragile Irish peace process, more than 20 years after Britain and Ireland signed the historic Good Friday accord. The attack, carried out by the so-called New IRA, opposed to the 1998 deal, also underscores the political stalemate following the collapse of power-sharing institutions in Northern Ireland. McKee, 29, a freelance journalist and author, rose to prominence through her work on the victims of three decades of The Troubles. In March, authorities held the New IRA, established in 2012, responsible for sending parcel bombs to transport hubs in London and a university in Scotland. In January, it owned up a car bomb explosion at a Londonderry court, a sign of renewed militant activity, soon after the U.K. Parliament rejected the government's withdrawal deal from the EU over disagreements on the border with the Republic of Ireland. The so-called Irish backstop is designed to ensure - until an alternative is found - that Britain remains in a customs union with the EU, so as to protect the open border between Northern Ireland and the Republic of Ireland. The absence of customs checkpoints in the region over two decades has been critical to protecting the peace, and maintaining the *status quo* is a paramount demand notwithstanding Britain's eventual exit from the EU. But champions of a hard Brexit are hostile to the backstop, which they fear will tie Britain permanently in a customs union and deny London the freedom to strike trade agreements with third countries. The issue has divided Dublin and London, as also the Leave and Remain camps within Britain's principal political parties.

Meanwhile, the Northern Ireland Assembly, responsible for the exercise of devolved authority in the region, has remained in suspended animation since 2017. Northern Ireland's two main parties, the pro-British Democratic Unionist Party and the Sinn Féin, the Irish republican party, are divided on several issues of governance. This has lent credence to the view that the 1998 accord has merely managed sectarian divisions rather than cement relations between communities. The DUP, which props up the Conservative government in London, has consistently opposed the backstop, despite the promise it holds to protect the open border between Northern Ireland and the Republic. But the party could yet play a constructive part in breaking the Brexit stalemate by backing Prime Minister Theresa May's withdrawal agreement. This prospect has gained strength following the Conservative hardliners' suggestion that they could support Ms. May's deal if the DUP were also to come on board. A meeting of minds on this question would save the U.K. from the grave danger of crashing out of the EU without an agreement. It would equally guarantee peace in Northern Ireland.

Lessons from a military encounter

Why New Delhi and Islamabad must keep lines of communication open at all times



HAPPY MON JACOB

Talking to one's adversary in the midst of a war, a limited war or even hostility is often viewed as undesirable in the public mind. However, the lesson from the long history of warfare and India's own experience in dealing with past crises is that talking to one's adversaries is a crucial requirement for de-escalation and for bringing the two sides back from the brink. Such talks are often done discreetly and soberly via the 'back channel', away from media attention and focussed on de-escalation, meeting the aims behind the war-talk and achieving an honourable exit from the tussle.

In this regard, it is important to ask, how did Indian and Pakistani decision-makers fare in the end-February military encounter that the two sides found themselves in the middle of after the Pulwama terror strike? Going by the information that is currently available in open sources, and conversations with analysts in India and Pakistan, I would say that there were hardly any pre-existing/dedicated channels of communication between the two countries; the ones that were in place were not put to use; and very little bilateral conversation actually took place to de-escalate the crisis. That should be of great concern to us. Therefore, the military stand-off that followed the Indian Air Force strikes on Balakot, in Pakistan's Khyber Pakhtunkhwa province, should encourage the two sides to urgently put in place dedicated bilateral conflict de-escalation mechanisms, in the absence of which the two nuclear-armed countries

could potentially head towards an undesirable, inadvertent and unintended conflict with unpredictable outcomes.

It must be kept in mind that there is nothing to guarantee that military crises can be finely calibrated and controlled by central decision-makers - they cannot be. For instance, what would have been the nature of the escalation had the ordnance fired by the Pakistan Air Force actually hit forward military installations such as a Division HQ of the Indian Army in Kashmir and involved casualties?

Communication breakdown

The conversation at the Director General of Military Operations (DGMO) level, the highest military contact that currently exists between India and Pakistan and which has often played a de-escalatory role, was not activated during the crisis. Unlike previous years, since Pakistan did not have a National Security Adviser (NSA) or an equivalent official, there were no NSA-level talks either. The two High Commissioners, unsurprisingly but disturbingly, were called back to their home countries for consultations. If anything, it is during crisis periods that envoys should stay put in their respective High Commissions to find ways of defusing tensions and relaying messages and options back to their governments. Curiously, India and Pakistan chose to do the exact opposite.

More significantly, there were apparently no back-channel contacts between India and Pakistan during the February crisis. During the Kargil conflict, on the other hand, politically appointed interlocutors had conducted discreet discussions on de-escalatory measures between the two sides. For the most part of the United Progressive Alliance (UPA) - I and II governments, there was an estab-



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lished mechanism of backchannel conversations by special envoys appointed by the respective Prime Ministers. The current Bharatiya Janata Party-led government decided to discontinue that time-tested and useful practice.

Against this background, it was puzzling that none of these tried, tested and somewhat successful mechanisms was used by the two sides. Did the government in New Delhi, for instance, want to keep decision-making and messaging during the crisis too close to its chest to ensure maximum political mileage from it?

Given the lack of abundant options for crisis communication, the two sides had to innovate on a war footing. Media reports have suggested that the Research and Analysis Wing (RAW) and Inter-Services Intelligence (ISI) chiefs had communicated with each other about what might happen had the Indian pilot not been released by Pakistan, among other things, something the Indian NSA also conveyed to Pakistan via the U.S. Parleys between the intelligence chiefs is an unlikely channel and contacts between them, while useful during crises, would not be able to achieve as much as between politically-empowered interlocutors. In any case, serving spymasters aren't perhaps best

placed for conflict de-escalation.

The fact that there were fears in Pakistan that India was preparing to launch missiles at its territory and that the Pakistani concerns about a possible Indian attack have not disappeared in Pakistan also goes to show the poor state of crisis communication between the nuclear rivals.

It is not difficult to understand why India chose not to communicate with Pakistan in an effective and officially authorised manner. Doing so would have taken away the political utility of the 'teaching Pakistan a lesson' rhetoric: how can India be seen to be talking to Pakistan at any level (except perhaps to threaten) when it is avenging the deaths of its soldiers? But even such a calculation shouldn't have prevented India, I would argue, from making high-level de-escalatory contacts with Pakistan, for doing so is nothing but wise statecraft. Not doing so allows domestic political calculations to trump the dictates of statecraft.

Too many third parties

When the hostile parties do not talk to de-escalate, others tend to step in. February and early March witnessed a slew of efforts by third parties to ensure that India and Pakistan de-escalate from the nuclear brink. The Americans, Chinese, Russians, Saudis, Emiratis were all involved one way or another in defusing the tensions between the two countries. During earlier crises, Washington was the only mediator, but this time around, thanks to the tensions between the U.S. and Pakistan and the rise of other prominent actors in the region, there were several interested parties in the fray, each with its own agenda. Not only does the involvement of several parties make the situation more chaotic, it could potentially lead to more miscommunication and mismanagement.

Here's the problem then. On the one hand, there was very little crisis negotiation between the principal parties to the conflict - India and Pakistan. On the other, there were several third parties who jumped into the fray for mediation, and it seemed as if both the sides were happily outsourcing their crisis management to third parties with differing agendas and motives. Outsourcing conflict management to third parties, especially in the absence of one's own mechanisms, is a recipe for disaster.

Reinstate backchannel talks

One of the biggest takeaways from the February crisis is the need to reinstate/re-establish high-level backchannel contacts with interlocutors in Pakistan, whether Islamabad or Rawalpindi. This is a lesson from various India-Pakistan crises, be it the backchannel through the 1999 Kargil conflict and the 2001-2002 crisis, discreet negotiations between the two sides preceding the 2003 ceasefire agreement and the post-Mumbai escalation.

This is also a lesson the two Cold War rivals had learnt, that they had to keep talking to each other through the worst years of their rivalry. As a matter of fact, it took the Cuban Missile Crisis to convince the U.S. and the U.S.S.R. to negotiate arms control, discuss crisis management and put in place confidence-building measures, notwithstanding the state of their relationship. Remember, the Cold War also had domestic political implications especially for the U.S., but that didn't prevent them from instituting conflict-management measures.

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Competing for the best

India's ability to attract global faculty hinges on dramatic changes in its higher education structure



PHILIP G. ALTBACH & ELDHO MATHESW

The flow of academics, for decades, has been from India to other countries. One can find top Indian talent, for example, at many American universities. They include the dean of the Harvard Business School and the dean of Harvard College, and a number of university presidents as well as professors in many fields. This flow of talent has heavily impacted the availability of highly qualified academics in Indian universities. To counter this "brain drain" and to quickly improve top Indian institutions, the Narendra Modi government introduced flagship programmes such as the Global Initiative of Academic Networks (GIAN), Visiting Advanced Joint Research Faculty Scheme (VAJRA), and Scheme for Promotion of Academic and Research Collaboration (SPARC). It was reported recently that there are just 40 foreign teachers at all of the Indian Institutes of Technology (IITs) - 1% of the total faculty of 5,400 - despite the government's goal to attract 20% international faculty at higher education institutions such as the IITs. This is despite the fact that internationalisation in general and the appointment of global

staff is central to the new 'Institutions of Eminence' programme. The goal is even more lofty after the IIT Council, last year, recommended the recruitment of foreign faculty on a tenure basis. The Graded Autonomy Regulations of the University Grants Commission also now allows the highest performing universities to hire up to 20% foreign faculty on tenure basis.

It is virtually impossible for India to attract large numbers of international professors of high standing and ability without dramatic changes in many aspects of the existing governance structure in higher education. Dramatically enhanced funding would also be required.

The talent pool

There are two kinds of international academics to be considered. The first category is accomplished senior professors - these would be very difficult to lure to India. Established in their careers, with attractive international salaries, and often with family and other obligations, they are embedded both in their universities and locales. The other group are younger scholars who may have fewer ties to universities and societies, and are thus more mobile. Further, some, depending on their disciplines, may have difficulty in locating a permanent academic job at home due to a tight academic job market. They also will not add to the immediate prestige of the Indian university which hires them since they do



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not have an established reputation. However, they can provide quality teaching, research and they often bring a useful international perspective.

The main possibilities for mobility are academics of Indian origin (non-resident Indians) who have successful careers abroad and who might be attracted back. The major recent initiative of the Indian government, GIAN, has been successful in attracting many academics of Indian origin from different countries for shorter durations. However, the experiences of two prominent universities sponsored by Indian and other regional governments - the South Asian University in Delhi and Nalanda in Bihar - show that offering higher salaries with exemption from taxation has not been very successful in attracting senior faculty of foreign origin.

In some ways, the best Indian universities would require a kind of "cultural revolution" to join the ranks of global world-class univer-

sities - and to be able to lure top faculty. The structural and practical realities of Indian universities make them generally unattractive to academic talent from abroad. A few examples indicate some of the challenges.

Scales of salary

Indian academic salaries are not globally competitive, even taking into account variations in living costs. In the U.S., senior academics at research universities typically earn around \$8,970,000 and up annually, and those at top universities can earn \$13,800,000 or more. The average salary for a full-time academic is \$5,037,000, with those in high demand fields in the sciences, business and others earning significantly more. In comparison, the total emoluments offered to a professor in an IIT located in one of the Indian metro cities, in accordance with the latest Pay Commission's minimum pay scale with house rent allowance is around ₹2,640,000. China, which is also actively luring top international faculty to its research universities, is offering salaries of ₹6,900,000 or more along with additional research funding.

International faculty cannot be offered long-term appointments in Indian public institutions. A five-year contract is all that is available. Thus, there is little job security.

Obtaining research funding is difficult and the resources available, by international standards, are quite limited.

On the other hand, a few 'elite'

private universities such as O.P. Jindal, Azim Premji, Ashoka, Shiv Nadar, Ahmedabad, Krea, and the management institute Indian School of Business have adopted different strategies; for instance, ranging from attracting foreign nationals, to Indians who studied at prestigious foreign universities to their institutions by offering higher salaries and other benefits than are available to local hires. The faculty diversity of O.P. Jindal Global University, for example, stands out among these with 71 full-time foreign faculty from 32 countries. The key motivation for hiring foreign faculty at all these institutions is to improve international competitiveness and secure positions in global rankings, which in turn would also attract more motivated students.

These new private institutions with, by Indian standards, considerable resources have proved that it is possible to attract foreign faculty, at least those with an Indian ethnic background. But the challenges faced by public institutions, even those of as high quality as the IITs and the best universities, seem insurmountable, at least in the context of the current Indian higher education environment and bureaucratic and legal framework.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

CJI case

The perception is that the Chief Justice of India is under a cloud. The majesty of the highest court of the land must not be jeopardised by scoring brownie points and the issue must be sorted out sooner rather than later. The dignity of the court cannot be sullied in the process and the supremacy of the law established beyond any reasonable doubt. Peoples' faith in the judiciary must be protected at all costs ("Editorial page, 'An illustrative case" April 26 and 'OpEd page, 'Parley' - 'Has the Supreme Court been discredited?'" both April 26).

V. PADMANABHAN, Bengaluru

PM and campaign

Of course the BJP cannot be blamed or envied for events choreographed and telecast to appeal to the wider audience as part of the massive road show by Prime Minister Narendra Modi. There is no denying the fact that the spectacle was staged to present him as a larger-than-life character. Mr. Modi must be made to tower over other leaders as he runs his party's campaign as a one-man band and attempts a recreation of the 2014 Modi wave. Perhaps he deemed his unapologetic Hindutva pitch as necessary. The perception is that his popularity has slipped on account of unfulfilled

promises and unmitigated distress.

G. DAVID MILTON, Maruthancode, Tamil Nadu

As the Election Commission of India continues to drag its feet on several complaints filed by the Opposition parties against a series of violations of the model code of conduct by the Prime Minister, Mr. Modi appears to continue to do as he pleases. He seems determined, presumably emboldened by the EC choosing to remain ominously quiet. The EC's attitude raises disturbing questions about the commission's neutrality. This is worrisome. Perhaps another nudge or even a rap on the knuckles from the

Supreme Court to act swiftly on complaints of poll code violations alone would make the EC sit up and act. How sad!

S.K. CHOUDHURY, Bengaluru

Case for redesignation

While Priyanka Chaturvedi quitting the Congress is somewhat understandable, her joining the Shiv Sena is a bit puzzling (Editorial page, "Political careerism is fine but sad", April 25). One is tempted to presume that she was only merely advocating the views of Congress rather than acting as its spokesperson. By virtue of their profession, advocates are free to plead for any client as they are not supposed to have permanent

plaintiffs or defendants. Ms. Chaturvedi, at best, might have been acting only as a Congress advocate. As she was easily defending the Congress's prime dynasty earlier, she may find it equally easy to defend the Thackeray dynasty. If parties decide to re-designate/ rename their spokespersons as advocates, there will be less heartburn as and when they decide to switch parties. After all, a majority of party spokespersons are practitioners of law.

C.G. KURIAKOSE, Kothamangalam, Kerala

CORRECTIONS & CLARIFICATIONS:

Ambedkar's mantra is not "Educate, Agitate and Organise" as erroneously stated in the Editorial page article, "Heed Ambedkar's message" (April 26, 2019). It is: "Educate, Organise, Agitate."

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