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New arenas for dispute redressal

A ICJ reprieve for Jadhav but a long legal battle lies ahead

India's efforts to save former naval officer Kulbhushan Jadhav from the gallows got a boost after the International Court of Justice (ICJ) at The Hague intervened and stayed his execution by Pakistan. The Centre has filed a lawsuit in the world court challenging the findings of a Pakistani military court — which accused and convicted Mr Jadhav of terrorism and spying. India's contention in the world court is that despite an international treaty — the Vienna convention on Consular Relations — there has been an "egregious violation" of it by Pakistan.

According to the treaty, any person arrested or detained in a foreign country has the right to have their embassy notified of the same. However, in Mr Jadhav's case no consular access was given. Now the question arises on the sanctity of the world court's ruling. Are the court's orders binding? The answer to this has been given by the ICJ in its previous judgments. Let's take the example of the LaGrand case - where two German brothers were accused and tried for armed burglary and murder in Arizona. Subsequently they were sentenced to death. As foreigners, they should have been informed of their right to consular assistance but US did not do so. Germany filed a law suit against US and got a stay on execution of one of the brothers as an interim measure. And the ICJ ruled that provisional measures orders issued by the Court are binding on the parties.

While earlier rulings of the ICJ suggest that the order granting interim relief will be binding on Pakistan, it does not bar Pakistan from raising issues like jurisdiction and other questions in the dispute subsequently. And let's not forget the 1999 incident where India shot down a Pakistani military plane over the Rann of Kutch. The matter was taken to the ICJ and India's argument was based on the fact that the court has no jurisdiction over the matter. It looks like Pakistan will abide by the interim orders, because non-compliance may give rise to new political tensions in the region. While criticism will flow from some quarters on India's move to approach the world court — it opens new vistas for conflict resolution.

Human trafficking thrives on natural calamities

Andhra Pradesh must ensure children in drought-hit areas are safe and secure

A drought is not just water scarcity. It has several other implications: Migration, trafficking, malnutrition, livestock deaths and agricultural losses. Such trying times are also an occasion for the State's safety net to kick in and help people tide over the crisis. But that is not happening in Andhra Pradesh. According to a news website, a fact-finding team, which visited seven drought-hit villages in the Anantapur district, saw "shortage of water for irrigation as well as consumption by humans and livestock, the lack of PDS outlets and ration cards, migration, banking and debt". But the most "harrowing ordeals" described in the report are about the children: Many of them have been left alone or with their siblings to fend for themselves while their parents have moved to the cities in search of work.

The fact-finding team found another disturbing fact: Some children could not get rations from the PDS because either the shops are located at a distance or the families did not have ration cards. "Further, issues were reported with biometric verification as well, especially in cases where the person in whose name the ration card was had migrated, and the machine wouldn't accept the fingerprint of the existing beneficiary. So sometimes, the children would walk kilometres only to be turned away at the PDS outlets," they added.

In Trafficking and Natural Disasters: Exploiting Misery (International Affairs Review), Joshua Finn writes that natural disasters exacerbate the root causes of human trafficking, including poverty and lack of viable livelihoods and governments need to secure "greater engagement of local stakeholders" and provide increased "access to safe spaces following a disaster". It is the Andhra Pradesh government's duty to ensure that these children without families are safe and that they get enough provisions to tide over this difficult time.

line of sight

SRINATH RAGHAVAN



Can't have your cake and eat it too

The military wants a greater say in policy matters, but it wants to keep civilians out of its domain

Speaking to a military audience in 1973, the eminent war historian Michael Howard said that he was tempted "to declare dogmatically that whatever doctrine the Armed Forces are working on now, they have got it wrong." But he went to add: "it does not matter that they have got it wrong. What does matter is their capacity to get it right quickly when the moment arrives". I was reminded of this speech after reading the recently unveiled Joint Doctrine for the Indian Armed Forces. The first such doctrine to be published by the Indian military, it has been panned by many perceptive analysts of military affairs.

All the same, the doctrine is an important attempt by the armed forces to inform and influence public debates on strategic issues. From this standpoint, the most curious part of the document is an appendix on "Civil-Military Relations". These couple of pages lay out the military's perspective on what is wrong with our existing institutional arrangements of civil-military relations and how to set it right.

Civil-military relations in India have been balancing on the brink of a crisis over the past few years. Controversies over one-rank one-pension and the latest pay commission were symptoms of deeper problems. Yet successive

governments have done nothing to address them. The doctrine's attempt to flag this issue in public attests to the military's deepening disquiet on this front.

The appendix on civil-military relations opens with a quote from an air marshal: "Direction in the Civil-Military Relationship in any democracy is strictly the right of the political leadership and not bureaucracy". This harks to the military's longstanding complaint that civilian control has turned into civil service control. There is something to this claim, though it tends to be overstated in military discourse. Nevertheless, the doctrine is right in observing that "it is prudent that institutional and structural mechanisms exist that facilitate free flowing communication between the two, thereby enabling critical and timely decision making. The functionalities in the MoD ought to be enablers of this relationship."

More problematic is the military's own view of how these arrangements should function when it comes to such critical areas as the use of force. The doctrine states: "Military professionals are experts in the use of force under the political institution of the State. Apropos, it would always be essential for the civilian authority, in consultation with military (as part of decision making process) to



The claim of operational independence for the military is a dodgy one. WASEEM ANDRABI/HT

decide the Military Objective and then leave it to the military professionals to decide upon the best way of achieving the objective." In other words, the military should have a say in deciding the aims and should be left free to pursue it.

The underlying premise about military professionalism is not as compelling as it sounds. As scholars of civil-military relations have pointed out, the military is quite unlike other professions. Few military officers have actual experience of fighting wars: our top military leadership, for instance, joined the services well after the 1971 war. Treating them

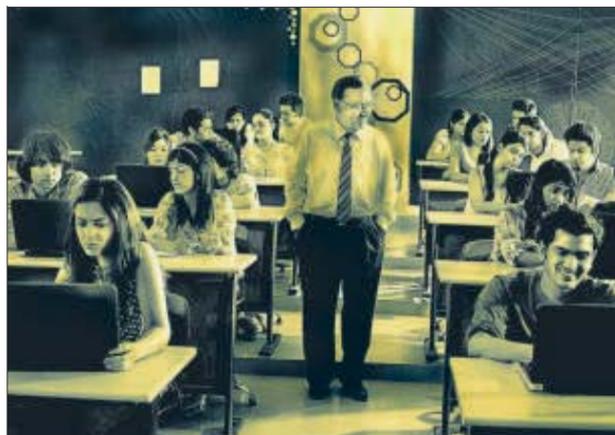
as experts in the management of violence is a bit like entrusting a crucial surgery to a doctor who has prepared all his life to perform a surgery without ever having done one. To be sure, the military will always know more about military affairs but there is no reason to presume that they know best.

Equally dodgy is the subsequent claim about operational independence for the military. Earlier, the doctrine quotes Clausewitz's famous dictum about war being a continuation of politics. But the demand for operational independence is inconsistent with the Clausewitzian view. If war is a continuation of politics, then politics will influence and intervene at levels of warfare down to the tactical. As the recent incident of using a human shield in Kashmir shows, even tactical actions can have political consequences. Hence, there can be no inviolable military sphere — either in theory or in practice. Acquiring in such a demand will be deeply damaging. The history of our own wars underscores these problems.

It is curious that on one hand the military wants greater say in policy matters, but on the other it wants to keep the civilians out of its domain. The former demand is entirely understandable, but the latter is incompatible with any properly integrated system of civil-military relations. The military can't have its cake and eat it too. If strategy is the bridge between political ends and military means, then it will have to be jointly constructed by the civilians and the military.

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WORKING CONDITION



Reports say that only 5% of computer science and information technology graduates have any reasonable programming skills. IMAGESBAZAAR

AICTE should not waste time on arbitrary rules

Only quality teaching and a revamped syllabus can improve the employability of engineering students

DHEERAJ SANGHI



The employability of engineering graduates in India has been a matter of concern for several decades. Many reports have stated that only 20-25% of the graduates are employable in industry. A recent report has mentioned that only 5% of computer science and information technology graduates (a majority of our engineers are in these disciplines) have any reasonable programming skills, which is the most basic skill for such a graduate. Another 15% can still be trained to perform tasks in IT industry.

Whenever a new report comes out, there are immediate calls for greater interaction between industry and academia and to have more industry-focussed curricula in colleges. Seeing that such calls have not had any impact on the ground level, AICTE has announced that such interaction will now be mandatory. Each college must have an industry consultation committee to rework the curriculum of each course taught there every year.

AICTE appears to have forgotten that it regulates only affiliated colleges, and it has very little regulatory control over universities. Affiliated colleges have no

control over their curriculum. They teach the curriculum that the affiliating university decides. These universities are expected to have a Board of Studies for each program, and that board invariably has members from industry. So there is already an industry input to the curriculum design.

More fundamentally, do we even know whether unemployability is because of an outdated syllabus, or is it due to poor quality education? I have been involved with drafting of computer science syllabi in several universities and even AICTE model syllabus. I can confidently say that even if the syllabus is not changed for 10 years, there will be no impact on employability. AICTE should focus on finding out why someone who has never written a single line of code is not just passing a course on programming, but passing it with distinction. A majority of our engineering graduates do not deserve their degrees. For computer science, that number could be as high as 95%.

Talking about industry, how many people in the industry are capable of understanding the impact of pedagogical interventions on learning? How many of these people will be able to understand the interplay of various courses, recognise the gaps, and then suggest revisions to plug those gaps? This is difficult even for experienced academics. In the absence of such people, these committees will become another ritual, as most AICTE directives have become.

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Sexual violence is slowly being 'normalised'

It is curious how the collective consciousness is not aroused when there is not one but multiple crimes



SYEDA HAMEED
SALINA WILSON

Bilkis Bano. The name and the face have been haunting me since the judgment was announced on her case by the Bombay High Court on May 4.

In March 2002, our group of six women arrived in Ahmedabad to document what had happened to the Muslim women in course of the Gujarat carnage. We were Muslims, Christians and Hindus, although faith was not a factor in our selection. We were bound to one another by a bond that defies definition. It propelled us from camp to camp, from taluka to taluka. We divided ourselves in two groups so that we could cover more ground. We wanted to meet as many people and families as we could, to authenticate our account and try to seek justice for the people who had lost their families, homes and above all, hope.

The report we drafted, pointed out compelling narratives of the most extreme forms of sexual violence during the 2002 riots. Testimonies of rape, gangrape, mass rape, stripping and molestation were cited. Many of the rape victims had been burnt alive so that there would be no evidence to trace back to the perpetrators.

The meticulous planning that was involved in executing these heinous crimes, the absolute failure of law enforcement agencies in ensuring safety and protection to the Muslim community at large and women in particular, and the state complicity has been much talked about, debated and even contested, both in media and in the judiciary.

The pattern of sexual violence one sees during pogroms is a part of what Paul Brass would call the "institutionalised riot system" through which violence in produced and re-produced. One needs to pay attention to the spirit behind the transgressions that becomes the driving force

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for the majority community to charge their hypermasculinity towards minority women. The framework of this spirit does not tolerate timidity, but instead, provokes men from majority communities to 'act'. We live in a social regime where women are seen as an embodiment of men's izzat (honour).

Izzat (Honour) and ghairat (Hurt to honour) being important social capital for both communities in conflict, any threat to the honour of women translates into dishonour for the community at large. Attacking 'their women' then becomes the undoing of the whole community.

Over the years, we have not seen the media consistently report gory details of the sexual violence faced by Bilkis, Yasmin, Zarina, Kausar and the multitude of other Muslim women and children, being repeated or debated for getting their justice. We have not seen these dangerous mechanisms of provocation, through speeches and symbolic gestures, having any place in the passionate table-thumping prime time television debates.

It is curious how the collective consciousness of the people is not aroused when there is not one but multiple crimes — murder, gang rape, burning alive, stripping in public — committed.

What is the responsibility of print, electronic, digital and social media in influencing the mass opinion into selective consciousness?

Does this consciousness vary if the location of violence is rural or urban? Does this consciousness lessen if the woman belongs to a minority or other marginalised community?

Is sexual violence against minority women normalised to a fearful degree?

One may not have a 'yes' or 'no' answer to these questions, but these are necessary to be asked. Necessary for remembering the women's bodies which were a site of gruesome violence and now a site of protest and struggle, necessary to determine whether the media display of these incidents influence the way pressure builds up in our courtrooms for deciding the quantum of punishment, necessary so that we the people are solidly behind brave women like Bilkis who continue to fight for justice.

While addressing the press conference, Bilkis Bano said "mujhe insaaf chahiye, badla nahi" ('I want justice, not revenge'), reminding us of the indomitable Queen of Sheba, who in the Koran bears the name, Bilkis.

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The views expressed are personal

innervoice
ALWAYS REMEMBER
EVERYDAY IS THE FIRST DAY
OF THE REST OF YOUR LIFE

Vijai Pant

JB Priestley, English novelist and playwright had once said, "I have always been delighted at the prospect of a new day, a fresh try, one more start with perhaps a bit of magic waiting somewhere behind the morning."

Certainly, every day is a new beginning giving us the opportunity to start life afresh on a clean slate. It's a new day, a new beginning. This approach has tremendous benefits and life lessons. For those who

have yet to achieve success, a new day without the hangover of failed endeavours of the past, brings with it both positivity and optimism. Such people never get bogged down by repeated failures.

It instills in them a 'never say die' spirit and prepares them for the day's battle with renewed vigour.

For the successful ones, starting each day on a clean slate weans them away from complacency. It keeps their hunger for success alive as they refuse to rest on their laurels.

Also, this approach helps in mending relations and getting over yesterday's bitterness as well as regrets.

The dictum, let bygones be bygones, makes one a happier human being. So always remember, everyday is the first day of the rest of your life, a new beginning, asking you to stay away from thoughts of what might have been and to look at what can be.

Inner Voice comprises contributions from our readers. The views expressed are personal

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