



## High hopes?

The Centre could add a few more changes to make Air India tempting for investors

Nine months after the Union Cabinet's in-principle nod for offloading the government's stake in Air India, the ball has finally been set rolling to privatise the bleeding airline. A preliminary information memorandum was unveiled last week by the Civil Aviation Ministry for prospective bidders. According to this, the Centre will divest 76% of its stake in AI. A 100% stake is being offered in its subsidiary Air India Express, and a 50% stake is on offer in its ground handling operations arm. Other subsidiaries, such as Alliance Air, Hotel Corporation of India, which owns the Centaur properties in New Delhi and Srinagar, Air India Air Transport Services and Air India Engineering Services, are not being sold – they will be transferred to a special purpose entity along with roughly a third of AI's ₹48,781 crore outstanding debt. Effectively, the government is offering a majority stake in AI and AI Express with management control, as well as a cumulative debt burden worth ₹33,392 crore. For prospective buyers, the attractiveness of AI's international flying rights and slots would be offset by the possibility of taking on so much debt and putting a plan in place to whittle it down or refinance the loans. Details of the reallocation of these liabilities between AI and AI Express, and the logic behind it, will only be shared with bidders at a later stage when requests for proposals are issued.

Given the uncertainties over its debt burden, it will not be a surprise if those bold enough to make a bid for AI find it difficult to offer a lucrative price to the government. It is worth pausing to see if serious investors are enthused by the government's decision to retain 24% stake in the airline (which will possibly come with one or two bureaucrats nominated to the airline's board of directors). In 2016-17, the airline suffered a net loss of ₹5,765 crore, owing mainly to its high interest costs. While debt has been the major reason for AI's losses in recent years, operational inefficiencies and poor management have been bugbears for long. The government is expected to offload its residual 24% stake at a later date, pinning its hopes on a better valuation after the new owner has fixed the airline's legacy issues. The real benefit of privatisation will be that the airline will no longer drain taxpayer funds, after thousands of crores have been infused over the years to keep it up and running. That its new owner would get some room to rationalise its large workforce a year after the transaction and the government is thinking of footing the bill for some benefits paid to retired employees, such as complimentary air tickets, sounds good. The government is understandably keen to close the AI sale transaction soon, preferably by early 2019, in order to bolster its reformist credentials. But investors will look for the finer details to ascertain the carrier's true worth.

## No surprises

Egypt's highly curated poll shows how far it has moved from the Arab Spring ideals

Egypt's election last week was democratic only in name. President Abdel Fattah el-Sisi, a former general who had ousted the Muslim Brotherhood from power in 2013, was never expected to struggle to secure a second term. Though the official result is yet to be announced, a landslide victory has been a certainty all along. Given the military backlash against the 2011 upsurge in Cairo's Tahrir Square that ended Hosni Mubarak's three-decade dictatorship, a genuinely popular exercise of the ballot was never on the cards. The vote was effectively rendered a one-horse race involving Mr. Sisi, as a number of opposition candidates were forced to withdraw from the contest. His lone challenger, a late entrant thrust forward to save the government from embarrassment, was someone who had declared himself a staunch supporter of the President's bid for reelection. Public perception of the charade managed to find some expression in both the mainstream and social media. But overall, the government's close monitoring of content that it deemed contrary to the "national interest" ensured that the election was anything but a democratic and informed exercise of the popular will. This is not to deny Mr. Sisi's support base – he has one and it is made up of sections of Egyptian society that prize the country's stability above all else after the tumultuous years of transition following the Arab Spring. Nonetheless, reports of the administration's exhortations to voters to exercise their franchise is an indication of the widespread cynicism about the entire electoral process.

With the election over, the Egyptian establishment will be conscious that the conditions that yielded the mass protests of 2011 still obtain, particularly economic hardship and political repression. The 2016 devaluation of the currency and roll-back of energy subsidies, in return for a hefty loan from the International Monetary Fund, deepened the squeeze. Inflation and the accompanying rise in the cost of borrowing are taking a toll on ordinary people as well as businesses. Meanwhile, two recent developments illustrate the continuing stranglehold of the old order on Egyptian institutions. The first is the 2017 acquittal of Mr. Mubarak in a highly controversial trial relating to the killing of hundreds of protesters during the 18-day uprising. The other is the lengthy sentences slapped last year on protesters who opposed the ouster of Mohamed Morsi as President in 2013. If Egypt is to move on from the fire-fighting phase it is gripped by, in his new term Mr. Sisi must move towards greater transparency and accountability. Restoration of basic democratic freedoms and respect for the opposition are critical for this. As the largest country in the Arab world, Egypt must set an example for the region.

# A rude wake-up call

There must be some safeguards before a motion to impeach a judge is admitted in Parliament



K.V. VISWANATHAN

The euphoria in some circles over a proposed resolution of impeachment of the Chief Justice of India is a matter of grave concern, for it brings to fore issues that directly impinge on the independence of the judiciary.

### Reason for discomfort

Let the protagonists in the present drama be kept aside for the time being. The idea is not to comment on the bona fides, or the lack of them, in the proposed move. The problem is, when the political community (with all due respect to it) sets out to handle a matter pertaining to the judiciary, a sense of acute discomfort does descend.

Two instances that immediately preceded the present one only reinforce the concerns: one concerning a judge from Gujarat for his observations in a judgment and the other from Andhra/Telangana where a communal twist was given to the case.

The question then is, should there be some safeguards before the motion, tabled by the requisite number of Members of Parliament, is admitted?

A fearless judge is the bedrock of an independent judiciary, as much as an independent judiciary itself is the foundation on which the rule of law rests.

In the discharge of his official duty, a judge is obliged to decide on a variety of matters concerning the government and the political class. To name a few: public interest litigations involving disclosure norms for contesting candidates; the right of a chargesheeted person to contest elections; election petitions; electoral disqualifications, validity of government policies, criminal prosecutions of political leaders, including for owning assets disproportionate to their known sources of income; challenges to anti-defection law disqualifications; challenges to action for alleged breach of privilege motions.

Fixity of tenure and removal only by impeachment, no doubt, are guarantees for independence. But in a perception-driven world, the incalculable damage that even a mere admission of an impeachment motion can cause, and the consequential loss of reputation, that can never be redeemed, need to be primarily addressed.

Moreover, till the proceedings conclude, the functioning of the judge concerned comes under a cloud and even an ultimate exoneration cannot give him or her back the enormous loss of honour. This is quite apart from the incalculable damage the process itself causes to the institution of the judiciary.

While a corrupt judge should be impeached without doubt, it must be ensured that the large body of independent judges is protected and they are not inhibited and shackled while going about their work with any possible threat of



an impeachment looming large. Judges should be free of chilling effects.

### Question of procedure

Article 124(4) of the Constitution and the provisions of the Judges (Inquiry) Act, should be so interpreted that before admitting a motion of impeachment against a judge of a high court or the Supreme Court, the presiding officers in Parliament should be obliged to obtain the concurrence of the full court of the Supreme Court. This would be on the administrative side and if it involves a judge of the apex court, that judge would not participate in the sitting. To obviate any possibility of delay or the non-convening of full court meetings, it could be provided that in the absence of there being any response from the Supreme Court in four weeks' time, it would be a deemed concurrence. Any admission of the motion without the concurrence would render the motion illegal and *ab initio* void.

There are several reasons why this interpretation would comport

with our constitutional scheme. First, after the Second Judges case, today the power to appoint judges of the higher judiciary vests in the apex court. Removal being directly connected to appointment, it is only logical that the first filter in the process vest with the judiciary.

Second, the principle of independence of the judiciary on which the Second Judges Case was founded for the aspect of appointment should apply with full vigour to the initiation of the removal process. In a matter like this, which is so integral to the judiciary and to its independence, such a safeguard ought not to be seen as diluting the powers of the presiding officers of Parliament.

Third, on matters of criminal prosecution of a sitting judge, the Veeraswami case has already recognised a similar methodology of screening. Impeachment and prosecution are from the perspective of the institution on the same pedestal.

Fourth, the Judges (Inquiry) Act expressly provides that the presiding officers, before admitting a motion for impeachment, will consult such persons as they deem fit. It can be safely presumed that while the peer group will immediately concur to get rid of the black sheep from their midst, they will zealously safeguard a judge who is unfairly targeted.

### In the judiciary's court

There is a perception in the community that attempts are being made to considerably weaken the judiciary. There is also a feeling, that enough is not being done by

the judiciary to check that attempt. It is time for the judiciary to assert itself. The absolute disregard shown to collegium recommendations by the executive, notwithstanding the categorical pronouncement in the National Judicial Appointments Commission (NJAC) case, is shocking. But what is bewildering is the total inaction from the judicial side. Vacancies are mounting and pendency of cases is reaching alarming proportions. The faith of the people in the judiciary should not be lost. It is time that by a judicial order the Memorandum of Procedure (MOP) is set out and a mandamus issued to government to follow the same and clear pending appointments in a time-bound manner. If the judiciary is perceived as weak, more and more impeachment proposals would do the rounds. The message should go from the top. That will also rejuvenate the high courts and give the judges their much-needed confidence.

In the eyes of the international community, the executive government also will be shown in a bad light if the judiciary in the country is not independent and strong. Business will not be forthcoming. Tourism will suffer. There will be fear and insecurity. The rule of law will be a far cry. All this will deliver a serious blow to the economy.

After all, there is no reason for any clean government to fear a judiciary that is strong, fearless and independent.

K.V. Viswanathan is a Senior Advocate and a former Additional Solicitor General

# Politics in the age of Facebook

Our likes, dislikes and opinions on social media leave us vulnerable to psychological warfare



THOMAS ABRAHAM

There has been a lot of talk around the globe over the use of Facebook data by Cambridge Analytica (CA), a company partly owned by the U.S. billionaire hedge fund owner and Donald Trump backer, Robert Mercer.

In India, the discussion has descended into a farcical wrangle between the Bharatiya Janata Party and the Congress on who used the company's services. For good measure, Union Law and Information Technology Minister Ravi Shankar Prasad even warned Facebook and its CEO Mark Zuckerberg of "stringent action" including summoning him to India if it was found to be involved in the theft of data from Indians.

All of this misses the real point. Data theft is not the issue. There is no need to steal the cornucopia of data that Facebook has accumulated on each one of us who uses the platform. It can be, and is, legally bought and used by marketers, businesses, researchers and anyone else who pays the social media giant for it.

### Contours of a profile

Facebook (or Google for that matter) has information on where we live, our age, our gender, what our likes and dislikes are, who our online friends are, where we like to go out to eat, and where and when we travel. Facebook charges advertisers to target audiences using

this knowledge, and the money from this is what has made Mr. Zuckerberg one of the wealthiest people on earth.

What is new and potentially worrying is the spotlight CA has thrown on how this information can be used to create psychological profiles of Facebook users (or psychographic targeting as it has been described) and direct political messages to people in ways that could move and manipulate our deepest emotions and impulses. Two experimental studies show that this kind of psychological targeting can influence not just emotions but also behaviour.

CA's work for the Trump presidential campaign was based on two studies by Michal Kosinski, an assistant professor at Stanford University, U.S. Mr. Kosinski was approached by CA but declined to work for them. However, a Cambridge University researcher, Aleksandr Kogan, agreed to work for CA to build psychological profiles of Facebook users.

Mr. Kosinski, as a PhD student at Cambridge, had devised a model to analyse the pages a person "liked" on Facebook and build a psychological profile of the person based on five characteristics including introversion, extroversion, neuroticism, openness and agreeableness. The model was based on the results of three experiments involving more than 3.7 million Facebook users. He and his colleagues first posted a personality quiz on Facebook and then tallied the results of the personality test with the pages that the test takers "liked", which was then used to build a model to create psychological profiles of users based on the pages they "liked".

His team then created adver-



tisements with messages targeted to a user's psychological profile. For example, someone who was judged to be an extrovert would see a different version of an advertisement on Facebook than someone who was judged to be an introvert. They found that psychologically-targeted advertisements were more effective than non-targeted advertisements in persuading people to take some kind of action such as downloading an app or clicking on the advertisement than non-targeted advertisements.

In a paper published in the *Proceedings of the National Academy of Sciences of the United States of America*, in 2017, Mr. Kosinski and his colleagues wrote that this kind of psychological targeting could "make it possible to influence the behaviours of large groups of people by tailoring persuasive appeals to the psychological needs of target audiences".

The holy grail of marketing and advertising lies in persuading people to take action, such as buying a product. The link between message and action has always been hard to determine. But Mr. Kosinski's research appeared to provide a way to use a person's digital footprint (in this case, a liked page on Facebook) to construct a psychological profile and create messages that seemed to change behaviour. "Tailoring persuasive appeals to

psychological profiles of large groups of people allowed us to influence their actual behaviours and choices," he wrote.

If Mr. Kosinski's research is accurate, all it takes to have a rough idea of a person's personality is a single Facebook page 'like'. For example, those who liked the singer Lady Gaga were on average likely to score more highly on the personality trait of openness and adjudged to be more intellectually curious and imaginative. So anyone hoping to use Facebook to target users with messages could get a list of users who liked Lady Gaga, and target them with messages that addressed their curiosities and imagination. Until recently, data on Facebook page 'likes' were publicly accessible. Now, they are no longer publicly accessible. But there are ways around this. Anyone who wants a list of Facebook users who like Lady Gaga need only take out an advertisement with a link asking Lady Gaga's admirers to name their 10 favourite songs by the singer. Anyone who clicks the link is giving access to their Facebook profile and becomes a target for further advertising.

### In politics

What are the political implications of this kind of psychological profile-based targeting? CA and its erstwhile head Alexander Nix worked for the Trump campaign as well as the one for his rival, Ted Cruz, also of the Republican Party. A presentation made by CA on its work in the Trump campaign that was leaked to *The Guardian* and *Observer* newspapers states that the firm "ingested data and audience profiles" and "devised communications to best promote

a story to these individuals".

Voters were clearly getting targeted messages, but did this actually help change their voting intentions? This is not something that can be measured as there is no data linking people who saw a particular advertisement and the way they voted. CA worked on the Cruz campaign, but he lost. The firm began to work on the Trump campaign after he won the Republican nomination. There is no way of knowing the impact it had.

Mr. Kosinski himself has expressed concern at the ways this kind of behaviour change communication could be put to use in political campaigns and written that "it could be used to covertly exploit weaknesses in their character and persuade them to take action against their own best interest".

The question then is not about which political parties in India did or did not use the services of CA. Or whether data were illegally acquired from Facebook users. The real issue is that we spill out our every like and dislike and opinion on every subject on platforms such as Facebook. The clues to our personalities revealed by our social media behaviour leave us vulnerable to psychological warfare from those who wish to influence our behaviour.

Winning elections have always been about moving people at an emotional level. As every demagogue knows, if you can manipulate, rouse and orchestrate people's emotions, you are halfway towards achieving political power. Social media has provided a new tool to achieve that.

Thomas Abraham is a Bengaluru-based writer

## 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.

### Banks and loans

Without casting aspersions on any individual or individuals, reports such as "Videocon loan: CBI examines ICICI bank staff" (April 1) are bound to be published on a regular basis unless and until the government makes up its mind to tackle the non-performing assets tsunami that is crippling the Indian economy and clear the debris without being concerned about ruffling the feathers of the high and the mighty. India is sitting on an NPA crisis and any move to sweep the issue under the carpet will only result in a catastrophe. An Indian operation similar to the one tiny Iceland adopted to clean up its banking sector is a must.

MAHENDRA B. JAIN, Belagavi, Karnataka

### Gunned down

The reports, "U.P.'s encounters: 1,000 and counting" and "Rising toll in U.P. encounters" (both April 1), send a shiver down one's spine as they reveal a horror story in India's most populous State. Even if Uttar Pradesh appears to be a den of criminals, who gives the state the power to eliminate them? If this is not a gross violation of human rights, then what is? Has the government there decided that this is easier to do than nab the criminals, produce them in court, conduct a trial and prove them innocent or guilty? One wonders why the Home Ministry is silent. If this is the Yogi Adityanath method of curbing crime in U.P., then what are the IPC

and the CrPc there for?

What a sorry state of affairs. C.V. ARAVIND, Bengaluru

### Cauvery dispute

The long-drawn dispute in the case of sharing Cauvery waters among the respective southern States will go down in the annals of Indian judicial history as one where court directives have been flouted with impunity from time to time ("Tamil Nadu files for contempt against Centre", April 1). After having been accused of being lax in its approach, the Tamil Nadu government is now left with no other option than to file a contempt plea. Overall, during the pendency of the case, political interests have over-ridden the principle of equity and justice. It is no surprise that with both the

BJP and the Congress having high stakes as major players in Karnataka's Assembly election and with nothing to lose in Tamil Nadu, the State is deprived of their firm support. Since it is apparent that there is no meeting point between the warring States and whoever is at the Centre prefers to play vote bank politics, the Supreme Court should constitute a panel comprising retired judges and experts on the subject to monitor the implementation of its order and ensure equitable distribution of water till a consensus is arrived at by all the parties concerned.

V. SUBRAMANIAN, Chennai

The art of teaching Schoolchildren and college students who are average or

lagging are usually never a part of the picture, and are 'ignored' by teachers. They are not enthused nor do they get encouragement, which is like oxygen to a dejected soul. The art of teaching lies in shaping an average student to attain excellence using proper guidance and personal supervision. Many great men and intellectuals have

attributed their success to their teachers. Many were also average performers in school. Teaching is a 'noble profession that shapes the character, calibre, and future of an individual' ('Open Page - 'Move on, my child', April 1).

K. JAYANTHI, Chennai

MORE LETTERS ONLINE: www.hindu.com/opinion/letters/

### CORRECTIONS & CLARIFICATIONS:

In the article, "India-Pakistan ties: time to reach out across the border" (March 30, 2018), a sentence was recast thus: "They agreed to a code of conduct by August 1992 to protect diplomatic personnel, guaranteeing them freedom from harassment". The version that appeared in print had erroneously said that they agreed to a code of conduct in November 1990.

Contrary to what was stated in the editorial "Bending the rules" (March 20, 2018), the India-based Neutrino Observatory (INO) project comes under category B-8a and not category A. The presence of Mathiketan Shola National Park 4.9 km from the project site does not change the category. Hence, there is no requirement for an environmental impact assessment. The Editor regrets the error.

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