Special Issue On Anna...
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SPECIAL ISSUE ON ANNA

ARE WE LOOSING TRACK OF "CHECKS AND BALANCE?

No other issue or even a calamity has ever received centre stage of national discourse as much as Anna Hazare's crusade. The campaign for "Jan Lokpal Bill" as a part of his fight against corruption received "saturated coverage" of media. This was described by some observers as "coercive coverage". However, never before (including in the case of the powerful RTI Act) has a Bill polarized the polity in our country. Yet, while unleashing itself, the news media also reflected apprehensions and concerns of critics.

Considering the significance of Anna's crusade in activating citizenry as much as the political leaders of the country, we feel that this issue of Transparency Review should devote to the pros and cons of Anna's saga. Perspectives of as many as 13 different authors/scholars (none belong to any political party) are selected for inclusion in this special issue, including three about the way the news media portrayed the crusade.

This landmark episode of Anna will continue to be an undercurrent for some years to come. Hence, the debate too should be kept up so that democratic traditions, involving the five pillars of the State - including the Civil Society, get consolidated (the issue of July 2011 of Transparency Review featured Civil Society) in a spirit of "checks and balances" so thoughtfully provided in our Constitution. Clearly, the best bet for good governance is active citizen. However, should a citizen have the last word … let us think about it!

B G Deshmukh would have been happy to read this special issue on Anna Hazare. And he would have written back sharing his views – as he did more than ten times in the last couple of years. We miss him at CMS and pay our tributes.

- NBR

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Editor: Dr N Bhaskara Rao

TRANSPARENCY STUDIES

The Right to Information Act 2005 represents a historic breakthrough in recognising the citizen's democratic rights to monitor measures affecting the public good. Following adoption of the Act by the Parliament of India, the CMS has set up a Transparency Studies wing to document, examine and publicise the interrelation between governance and society in all its aspects. It facilitates dissemination of relevant material, confers with experts and field workers and networks with the media to promote implementation and awareness.

- Brings out Transparency Review as an independent journal devoted to RTI movement in the country, Right regime, Government and Media matters to that process.
- Averages discussion at ramous levels
- Studies working and implementation aspects of RTI Act
- Earlier issues can be read from **www.cmsindia.org**

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A tribute to B G Deshmukh

B G Deshmukh was a friend and guide for many in his career spanning over 40 years in Maharashtra and New Delhi. He left behind many decision makers who relied on his frank and forthright advice at times of controversies and crises situations. He was credited for his wise counselling to three Prime Ministers, as their Principal Secretary after serving as Cabinet Secretary and Home Secretary.

The present Cabinet Secretary, Shri Ajit Kumar Sethi joined Dr Abid Hussain, Shri Naveen Chawla, Shri Inder Malhotra, Shir B G Verghese, and many others in paying rich tributes to "B G", as he was fondly known, at India International Centre on 19th August, 2011. He died in Pune on 8th August 2011.

In the words of former PIO, S Narendra, Deshmukh was "A person of highest integrity, courage and humility. An astute administrator who carried power lightly on his arms". Deshmukh symbolized simple living, high thinking and noble deeds.

Personally, I was fortunate to be with him in India's first Social Audit Panel for a public service (1993-96) along with Justice P N Bhagawati. As member of CMS Advisory Board, CMS also had the benefit of his wise guidance for a couple of years (2004-2011). He often wrote and contributed content for Transparency Review.

We will miss him but will continue on his guided directions…

- PNV

A meticulous mind combined with old-world courtesy

Navin Chawla

B G. Deshmukh, former cabinet secretary and principal secretary to three prime ministers, died on August 7 in Pune, aged 82. He was indisputably among our most distinguished civil servants. He held an array of responsible posts in his native Maharashtra, rising to become its chief secretary, when he was plucked from the state by the then-prime minister, Rajiv Gandhi, and brought into the mainstream at the Centre. Most of those who knew him, and certainly those who worked with him, would testify to his meticulous mind, his sharp understanding of seemingly intractable problems and capacity to keep the larger picture in view. His ability to analyse and spell out issues was often clinical, but he combined this with an old-world courtesy. He belonged to the 1951 batch of the IAS, and the correctness of his era remained with him well into his retirement from affairs of state. That he was not conferred a Padma award was not a subject he ever raised, and any form of "lobbying" was anathema to him.

Personal tragedy did not spare him. He lost his only child, a daughter, when he was cabinet secretary. A few years later, his wife Vijaya passed away. With his strength and stoicism, he did not allow himself to slip into despondency. By now he had retired from the government, but was invited by the Tatas to serve on their board handling their corporate social responsibility programme. He also served dozens of organisations as chairman or member; the causes ranging from heritage and conservation to finance, education, environment, and health, which included a concern for the leprosy-affected. With my wife Rupika, he enjoyed discussing issues of restoration and heritage and his involvement with the Gallery of Modern Art and the Asiatic Society of Bombay. With such a wide spectrum, he never actually retired from public life.

By his own admission, an occasion that he never forgot occurred in 1987 when, as cabinet secretary, he released a report I had written on the rehabilitation of leprosy patients. Mother Teresa, who inspired the work, had travelled specially from Calcutta to be present. Prior to the function, the Deshmukhs spent a quiet 20 minutes with Mother Teresa.

In his book, A Cabinet Secretary Looks Back, he describes how he was able to sort out, with the ease of a deft player, a problem involving a diplomatic issue. He wrote this book, and two others, with remarkable restraint. The picture that emerges is that of an elegant mind and quiet determination, and while tragedy and setbacks were also fellow travellers with high office, he brought to his duties an unusual sense of commitment, which I was rarely to witness again.

Courtesy: The Indian Express (10 August 2011)

Corruption by the numbers

Bibek Debroy

The Lokpal legislation, in whatever form, will not be the only law we have on corruption. Apart from statutes on prohibition of benami transactions and prevention of money laundering, there is the IPC (Indian Penal Code). Under Sections 169 and 409 of IPC, depending on the offence, public servants can face imprisonment (from two years to life) and fines. This wasn't enough of a deterrent and after Bofors, we had the Prevention of Corruption Act (PCA) of 1988. This wasn't the first PCA. There was an earlier one from 1947. The 1988 PCA consolidated 1947 PCA, 1952 Criminal Law Amendment Act and some sections of IPC. Finally, in 1988, we would address the issue of corruption among public servants. Or so we thought. There is a "Crime in India" database, published by National Crime Records Bureau through the home ministry and the last data are for 2009. Chapter 9 is on economic offences, the stuff we are talking about. Whether it is PCA or IPC, the channel is CBI or ant-corruption bureaus of states, CVC being somewhat different. In 2009, 3,683 cognisable anti-corruption crimes were registered. Data given are not quite amenable to statistical analysis of the kind one has in mind. Therefore, one has to take some liberties with numbers.

The chances of a corrupt public servant being caught and punished is actually one in a million

How many "public servants" are there? Since the definition of public servant is broader than narrow figures on those directly employed by the Centre or state governments, this is not easy to pin down; but 45 million won't be far off the mark. How many of these are corrupt, or have been corrupt, in 2009? In this climate of angst about corruption among public servants, most citizens would probably say 100%.

Surveys by organisations like Transparency International (India) don't help, because they tell us what percentage of respondents faced corruption in obtaining public services of various kinds, not what percentage of public servants is corrupt. Let us assume a graft base of 50%, that is, 22.5 million public servants were corrupt in 2009. Then the probability of a cognisable crime being registered against a corrupt public servant is 0.00016. That's not the end of the matter; 3,683 was the number of new offences in 2009. There was a backlog, adding up to 9,580 cases in 2009. Not all of these were investigated and in instances where there was an investigation, charge-sheets weren't necessarily filed. Charge-sheets were filed in 2,648 cases. Therefore, the probability of a charge-sheet being filed, if investigated, was 0.276. There were 746 convictions. Because of time-lags, some massaging of data is involved. However, broadly, if a charge-sheet was filed, probability of conviction was 0.282.

If one adds up those numbers, it is impossible not to be a cynical citizen. If I am a corrupt public servant, the probability of a cognisable crime being registered is 0.00016. If a crime is registered, probability of a charge-sheet being filed is 0.276. If a charge-sheet is filed, probability of conviction is 0.282 and we have no data on the kind of punishment this leads to. For all one knows, it might be a nominal fine or simple imprisonment for two years. And we have no data on how long a specific trial has taken. With these caveats, it is the nature of probabilities that they are multiplied. Hence, probability of conviction if I am a corrupt public servant is of the order of 0.000000955. Corruption by public servants (that's not the only kind) has been described as high-return and low-risk and one can see why.

It was no different in Hong Kong before 1997, an example often cited in the present discourse. The Independent Commission Against Corruption (ICAC) was formed then and there was plenty of cynicism floating around. For example, it was referred to as "Investigating Chinese Ancient Customs" and "I Can Accept Cash". While there have been allegations against ICAC too, it has cleaned up Hong Kong.

The point isn't to enact a Lokpal law and hope for the best. That will like euphoria over PCA in 1988, followed by subsequent disenchantment. In hindsight,

one can pick holes in PCA — for example, prior sanction from government needed under Section 19 or provisions of special judges. There are also problems with Article 311 of the Constitution.

To my mind, more than who should be under the purview of Lokpal (and Lokayukta), two issues are critical. First, how independent is the body? Both in procedures followed and in appointment and removal. Institutions are as good or bad as the people appointed.

Second, is it possible to delink such cases from the normal court system (with its backlog and delays) and fast track them? An argument is often advanced against "criminals" in Parliament and I have a problem with this. Once convicted, and after having paid the consequent penalty, any person should be no different from any other citizen.

The problem is that people have been accused, but have not been convicted. There can be a moral argument for debarring such people. However, a legal argument for debarring runs counter to principles of natural justice. In other words, this argument about "criminals" in Parliament is more an indictment of the criminal justice system. Two thirds of the backlog, concentrated in lower courts, is criminal cases. We have simplified procedures for civil cases. But reforms of the criminal justice system and the police are on no one's agenda.

The final point about much of the present discourse is that it focuses inordinately on punishing the corrupt. However, graft often has economic and electoral roots. Those need to be addressed. As a start, how about signing the government procurement code?

Courtesy: The Economic Time (2 September 2011)

Anna versus the constitution

Somnath Chatterjee

At the time of writing, efforts are on to find an amicable solution to the Jan Lokpal Bill agitation and let us hope that a satisfactory solution will be found to deal with the very serious malady of corruption. I appeal to Anna Hazare to break his fast as the nation can't take any risk with the condition of his health.

Corruption in high places is undoubtedly a matter of great concern for all. Recently, there have been allegations of corruption against some ministers and senior officials. I am not speaking for these people. But everybody seems to have assumed that they are guilty, even though legal proceedings have not been completed yet. Every responsible citizen knows that mere allegation of corruption is not the proof of guilt.

Team Anna Hazare should respect our Constitution and not try to impose its will on Parliament

What is extremely disturbing is that a very important issue like corruption is being sought to be dealt with in a totally undemocratic and unconstitutional fashion. The Constitution does not provide for any extra-parliamentary method for the enactment of any law.

But now, Anna Hazare and his colleagues want to decide what the law should be and how the issue of corruption should be dealt with and that all political parties and all MPs should be bound by their decisions. In short, the elected representatives of around 120 crore people of this country are being asked by a group of representatives of civil society to follow what they want to be the law of the land. Parliament is being asked by this group to enact what it has put forth as a draft Bill! I don't find anything more undemocratic than this attitude in a country governed by a Constitution and the rule of law.

Even a date has been fixed by the self-elected 'activists' of civil society to pass a law, giving a go-by to the established parliamentary procedure and rules under which the matter is being considered by the standing committee as is the usual practice. Not just that - crowds are being asked to gherao the houses of MPs. Here is a clear case of coercion and open subversion of the very constitutional system of our country.

I am reminded of the kind of agitation followed by violence which we witnessed some years ago over the issue of the Mandal Commission report. Young people, mostly students, were instigated to hit the

streets. Some even tried to kill themselves. Similar methods are being deployed now to challenge our parliamentary system and force enactment of laws de hors the Constitution.

It's naive to think that passing a new law to set up an authority will eradicate corruption from the country. It's agonising, however, to find that the good cause of fighting corruption is sought to be achieved by taking recourse to methods not sanctioned by our established constitutional procedure. This will only create more serious tensions in society.

We have a Prevention of Corruption Act. Has it prevented corruption? We also have the Indian Penal Code that prohibits all sorts of crimes like murder, robbery, rape, arson, etc. Have those offences been eliminated by this law? How can it be reasonably expected that any particular law or setting up some sort of national authority will totally eliminate all types of corruption in the country? So, a mere enactment of law is not sufficient unless the people as a whole shun corrupt methods in all respects, not just in official dealings.

The real aim is to target ministers and senior officials. I have no quarrel with the office of Prime Minister being included within the scope of the Lokpal Act.But has anybody really considered its implications? If the Lokpal wishes to go into any complaint against the PM, there will be clamour, rightly so, for his resignation on moral grounds even before the allegation is proved. And if the PM has to resign under pressure, then the government falls. To me, this is a recipe for political instability or frequent elections, for which thousands of crores of rupees will have to be spent. It's also the very antithesis of a procedure that can have the sanctity of law.

Again, how can you get a person who will decide all the cases in a manner acceptable to all without seeking a right to appeal against the ruling? What is that magic wand? Will the law provide it?

I have respect for many of the people who call themselves the representatives of civil society. Without being misunderstood, may I ask how do they declare themselves the representatives of civil society? Eminence alone cannot be the yardstick to represent the people. In fact, these people are trying to impose their wish as the will of the people on Parliament. I have serious doubts not only about their methods but also intentions, because we have Anna Hazare now saying the Prime Minister should quit if his draft Bill is not made the law.

I appeal to them to please remember that we are not living in a dictatorship so that people have to be mobilised on the streets to usher in democracy, as being done in the Arab world. I am reminded of the manner in which some people collected crowds on the streets in the run-up to the demolition of the Babri masjid and the damage it caused to our country's unity and secular fabric. I appeal to Anna Hazare, Shanti Bhushan, who is an old friend, Prashant, who is like a son to me, and other colleagues of theirs, not to rouse public sentiments to a level that can have serious repercussions and may go beyond control.

As the Prime Minister has taken the initiative, it's time to find an amicable solution in a spirit of cooperation from all the concerted parties. Let nothing be done that will destroy our Constitutional edifice.

Courtesy: The Economic Times (25 August 2011)

Fasting as democracy decays

Gautam Adhikari

We cannot reform our political system by using undemocratic means

The movement around Anna Hazare's fast highlights a worrying trend. No, it's not corruption. That we know. The worry is: Is Indian democracy in a state of decay?

Democracy in this largest of all democratic nations seems to be working fine at first glance. We vote regularly and throw out parties in power when a majority wants change. We have a free press. We have an independent judiciary. But there's a lot that happens in the way we conduct our political life in between elections that is deeply disturbing. Citizens of a truly liberal democracy - there's no other kind, don't let anyone fool you - must demonstrate their understanding, popular acceptance and daily practice of democratic behaviour in the interlude between elections. Do we?

Anna Hazare's fast-unto-death is a clear instance of misunderstood democracy. He and his supporters

believe it is quite democratic of him to either get his way or commit suicide. No, it's not. Suicide is against the law in this democracy; so is any threat to commit violence, even to oneself, if you don't get your way. That's blackmail. Citing Gandhi in support of fasts is misconceived. The great man fasted against imperial rule in an undemocratic society. A democracy, on the other hand, offers several channels to express grievance legitimately. For Gandhi, fasting fitted well into his framework of civil disobedience. He worked against the law as it then prevailed. Today, fasting, often in 'relay' style, has become political farce in India.

Hazare's supporters, however, have every right to march in their thousands, to raise people's consciousness about corruption, to carry candles or play guitars while singing protest songs mimicking a Bob Dylan or a Pete Seeger, and to rage against the government through the media. But are they right in demanding an acceptance of Hazare's call for a supremely autonomous ombudsman to fight corruption? No.

'What we see is the sad spectacle of an aged Gandhian engaged in a futile fast against evil. His purpose is noble. His method and demand are not'

Imagining an end to corruption by making a Lokpal sit in judgment over everyone, including Parliament and the judiciary, is not just undemocratic under India's Constitution, it is a silly idea. India is one of the most corrupt nations on earth not because it doesn't have enough regulatory bodies to catch a thief; it in fact has too many points of bureaucratic and political power that are lucrative checkpoints for the corrupt. Creating an unaccountable ombudsman will add another such check post unless you believe, like Hazare, that Gandhian purity can keep the Lokpal's office forever clean. Fighting corruption should mean fewer checkpoints, not more.

To fight corruption, citizens have to target protests in order to force reform in specific areas instead of blasting broadsides against general corruption. We didn't wake up to find this cancer in our system because Dr Hazare suddenly said we were sick. We sat up when a huge telecom scandal was uncovered through investigation by regular arms of the democratic system, including Parliament and the press. That scandal underscores how urgently we need to reform our system of political funding, including campaign finance for electioneering, to stop politicians in power from doling out favours in return for cash they received from vested interests.

Every arm of democracy must become stronger if India has to confront corruption. Mobilisation for change should, for instance, aim to force Parliament actually to sit in session, debate and pass legislation. We have a Parliament that barely functions. Like fasts, another effete tool of protest is used by whichever party is in opposition, and that's the infamous walkout. It has been so overplayed that it's lost all potency. Storming the well of the House to stop proceedings for days is similarly idiotic. Our politicians and MPs must relearn effective democratic practice in the modern era and discard the tools of opposition they inherited from a past generation of leaders.

Another sign of democratic decay and a reason why corruption can spread so malignantly through our national system is a fast weakening accountability of public officials and politicians. That's happening largely because India's judiciary is so clogged up and grossly inefficient that citizens have little faith in its capacity to deliver justice to reinforce the foundations of public accountability.

Accountability is one of the twin pillars, along with transparency, that uphold good governance. With a free press and a Right to Information Act available for use by the ordinary citizen, transparency is not all that bad in our system even as bureaucratic opacity continues to hinder openness. But accountability degenerates by the day.

These are some areas that must get fierce attention from the expanding and increasingly assertive urban middle class if real reform is to happen. Instead, what we see is the sad spectacle of an aged Gandhian engaged in a futile fast against evil. His purpose is noble. His method and demand are not. There are other ways to fight.

Courtesy: The Times of India (25 August 2011)

Has Anna Hazare really won?

Santosh Desai

Victory, especially when it comes after a long, hard and unequal struggle, can taste very sweet. The fact that the Anna Hazare-led movement against corruption has forced the Parliament to agree to key elements from its draft of the Jan Lokpal Bill is an extremely significant one and can potentially mark a turning point in the manner in which democracy is practised in India. This has been an instance where people have agitated for something rather than against it, and held out against a campaign of cunning and calumny, the kind which usually wears down its opposition into disgusted submission. Deviousness has been countered by stubbornness and procrastination by a form of emotional arm-twisting; the movement did not waver, nor did it lower the stakes for itself. It gambled everything, every single time and has finally won.

The urban middle class, which sought this kind of governance, often for its own interests, has never been significant enough in numbers nor focused enough in its demands to marit any electoral consideration

Or has it? The single biggest stumbling block throughout this whole process has been a marked lack of intention on part of not only the government, but the entire political class. If we extricate ourselves for a moment from the debates about which version of the bill was better and whether fasting was a legitimate part of democracy or not, we might wonder as to why, far from dragging its feet on the bill, did the government not wholeheartedly champion its cause instead? .For an administration that has been under siege on the issue of corruption, wouldn't a robust act of legislation have been exactly the right signal to emit? It could have appropriated the protest movement, and used it as cover to navigate the bill through the political class, and emerged as a somewhat belated, but nevertheless, heroic saviour. And yet, it chose to oppose the bill at every juncture, using every means possible but that of honest negotiation. This continued till the very end, creating a crisis of trust and leading to hardened positions on the other side.

Rahul Gandhi's intervention was a continuation of the script. Regardless of the merits of his suggestion, the manner in which he entered the debate and the bizarrely delayed nature of the timing made it seem as if he resided on another planet and teleported his way in without any awareness or interest in what happened before. His disappearance immediately after seemingly participating in the Inter-Party Parliamentary Elocution Contest made it easy for his actions to be decoded as further evidence of the government's lofty disinterest in the issue. The role of the other political parties was no better, with the BJP dancing around the question of the exact nature of its support till very late in the day. To its credit, when it did reveal its position, it seemed not only to stay with it, but eloquently argue the case on its behalf too.

The fact that the Parliamentary debate was sparkling in its range of arguments and thoughtful in its nature indicates that the central problem is not in our institutions, but in the intention that animates them. If treated with the respect that it deserves, which indeed is the assumption on which it is founded, Parliament delivers to us a form of democracy that is as enlightened as it is representative. The problem is that it reaches this side of itself ever so rarely, and in this case, it is instructive that it was pushed, virtually at gun point, to find its better self. Left to itself, it is clear that Parliament would have done what it seems to do so well nowadays — collude in a conspiracy of mutual recrimination to avoid systemic change.

The larger question that this experience begs is if structure can force intention. In the immediate short term, we still don't know if the Parliament will in the absence of a real intention, come up with an effective Lokpal bill, now that the Anna Hazare sword has been sheathed. In the longer run, the issue is whether intention can at all be produced by structural change or is it a necessary pre-requisite for the success of any structural change, no matter how ambitious. However independent a body, it still breathes the same air as the rest of the system and needs to interact with as well depend on the support of existing institutions, most of which are tainted .The need would be to simultaneously change all parts of the system, most notably the police and the judiciary, and this will need genuine intention on part of the political class.

Why is intent such a problem today? After all, while the political class might see the capitulation to a protest

movement led by the urban middle class as a loss of hard-won power, the truth is that corruption is an issue that bedevils all of the country, and the poor pay a higher price than any other section of society. It should ideally be in their electoral interest to be seen to be on the right side of such a movement. The central issue that dogs democracy in India is the weak causal relationship between governance and electability. The emphasis on representativeness, an admittedly necessary pre-requisite for democracy in a country with as much diversity as India, has helped create a system of political patronage where caste, class, ethnic and regional identities are converted into vote banks through acts of political transfer payments. Since politicians are not evaluated on the effectiveness of their policies to bring about development of a secular kind, free from considerations of identity, their interest in policy has been intermittent.

That is what has changed. The big long-term success of this movement would be if it consolidates this victory into a more durable form of organisation that makes governance an electoral variable. Already this psychological victory will turn into a psephological one, for now no election result can be interpreted without taking this constituency into account. Analysts will have to see voting patterns through this frame, and this will in turn influence political parties to take this class and its aspirations more seriously. In the long run, of course, it is only when the political class can experience a direct causal relationship between their actions and their electoral fortunes that the intention to do the right thing, whatever their version of it is, will begin to come into play. Till then, democracy stands anxiously with its fingers crossed, hoping that better policing will lead to greater honesty of intention.

Courtesy: The Economic Times (29 August 2011)

I'd rather not be Anna

Arundhati Roy

While his means maybe Gandhian, his demands are certainly not

If what we're watching on TV is indeed a revolution, then it has to be one of the more embarrassing and unintelligible ones of recent times. For now, whatever questions you may have about the Jan Lokpal Bill, here are the answers you're likely to get: tick the box — (a) Vande Mataram (b) Bharat Mata ki Jai (c) India is Anna, Anna is India (d) Jai Hind.

For completely different reasons, and in completely different ways, you could say that the Maoists and the Jan Lokpal Bill have one thing in common — they both seek the overthrow of the Indian State. One working from the bottom up, by means of an armed struggle, waged by a largely adivasi army, made up of the poorest of the poor. The other, from the top down, by means of a bloodless Gandhian coup, led by a freshly minted saint, and an army of largely urban, and certainly better off people. (In this one, the Government collaborates by doing everything it possibly can to overthrow itself.)

They signal to us that if we do not support The Fast, we are not 'true Indians'. The 24-hour channels have decided that there is no other news in the country worth reporting

In April 2011, a few days into Anna Hazare's first "fast unto death," searching for some way of distracting attention from the massive corruption scams which had battered its credibility, the Government invited Team Anna, the brand name chosen by this "civil society" group, to be part of a joint drafting committee for a new anti-corruption law. A few months down the line it abandoned that effort and tabled its own bill in Parliament, a bill so flawed that it was impossible to take seriously.

Then, on August 16th, the morning of his second "fast unto death," before he had begun his fast or committed any legal offence, Anna Hazare was arrested and jailed. The struggle for the implementation of the Jan Lokpal Bill now coalesced into a struggle for the right to protest, the struggle for democracy itself. Within hours of this 'Second Freedom Struggle,' Anna was released. Cannily, he refused to leave prison, but remained in Tihar jail as an honoured guest, where he began a fast, demanding the right to fast in a public place. For three days, while crowds and television vans gathered outside, members of Team Anna whizzed in and out of the high security prison, carrying out his video messages, to be broadcast on national TV on all channels. (Which other person would be granted this luxury?) Meanwhile 250 employees of the Municipal Commission of Delhi, 15 trucks, and six earth movers

worked around the clock to ready the slushy Ramlila grounds for the grand weekend spectacle. Now, waited upon hand and foot, watched over by chanting crowds and crane-mounted cameras, attended to by India's most expensive doctors, the third phase of Anna's fast to the death has begun. "From Kashmir to Kanyakumari, India is One," the TV anchors tell us.

While his means may be Gandhian, Anna Hazare's demands are certainly not. Contrary to Gandhiji's ideas about the decentralisation of power, the Jan Lokpal Bill is a draconian, anti-corruption law, in which a panel of carefully chosen people will administer a giant bureaucracy, with thousands of employees, with the power to police everybody from the Prime Minister, the judiciary, members of Parliament, and all of the bureaucracy, down to the lowest government official. The Lokpal will have the powers of investigation, surveillance, and prosecution. Except for the fact that it won't have its own prisons, it will function as an independent administration, meant to counter the bloated, unaccountable, corrupt one that we already have. Two oligarchies, instead of just one.

Whether it works or not depends on how we view corruption. Is corruption just a matter of legality, of financial irregularity and bribery, or is it the currency of a social transaction in an egregiously unequal society, in which power continues to be concentrated in the hands of a smaller and smaller minority? Imagine, for example, a city of shopping malls, on whose streets hawking has been banned. A hawker pays the local beat cop and the man from the municipality a small bribe to break the law and sell her wares to those who cannot afford the prices in the malls. Is that such a terrible thing? In future will she have to pay the Lokpal representative too? Does the solution to the problems faced by ordinary people lie in addressing the structural inequality, or in creating yet another power structure that people will have to defer to?

Will the 830 million people living on Rs. 20 a day really benefit from the strengthening of a set of policies that is impoverishing them and driving this country to civil war?

Meanwhile the props and the choreography, the aggressive nationalism and flag waving of Anna's Revolution are all borrowed, from the anti-reservation protests, the world-cup victory parade, and the celebration of the nuclear tests.

'The Fast' of course doesn't mean Irom Sharmila's fast that has lasted for more than ten years (she's being force fed now) against the AFSPA, which allows soldiers in Manipur to kill merely on suspicion. It does not mean the relay hunger fast that is going on right now by ten thousand villagers in Koodankulam protesting against the nuclear power plant. 'The People' does not mean the Manipuris who support Irom Sharmila's fast. Nor does it mean the thousands who are facing down armed policemen and mining mafias in Jagatsinghpur, or Kalinganagar, or Niyamgiri, or Bastar, or Jaitapur. Nor do we mean the victims of the Bhopal gas leak, or the people displaced by dams in the Narmada Valley. Nor do we mean the farmers in NOIDA, or Pune or Haryana or elsewhere in the country, resisting the takeover of the land.

'The People' only means the audience that has gathered to watch the spectacle of a 74-year-old man threatening to starve himself to death if his Jan Lokpal Bill is not tabled and passed by Parliament. 'The People' are the tens of thousands who have been miraculously multiplied into millions by our TV channels, like Christ multiplied the fishes and loaves to feed the hungry. "A billion voices have spoken," we're told. "India is Anna."

Who is he really, this new saint, this Voice of the People? Oddly enough we've heard him say nothing about things of urgent concern. Nothing about the farmer's suicides in his neighbourhood, or about Operation Green Hunt further away. Nothing about Singur, Nandigram, Lalgarh, nothing about Posco, about farmer's agitations or the blight of SEZs. He doesn't seem to have a view about the Government's plans to deploy the Indian Army in the forests of Central India.

He does however support Raj Thackeray's Marathi Manoos xenophobia and has praised the 'development model' of Gujarat's Chief Minister who oversaw the 2002 pogrom against Muslims. (Anna withdrew that statement after a public outcry, but presumably not his admiration.)

Despite the din, sober journalists have gone about doing what journalists do. We now have the back-story about Anna's old relationship with the RSS. We have heard from Mukul Sharma who has studied Anna's village community in Ralegan Siddhi, where there have been no Gram Panchayat or Co-operative society elections in the last 25 years. We know about Anna's attitude to 'harijans': "It was Mahatma

Gandhi's vision that every village should have one chamar, one sunar, one kumhar and so on. They should all do their work according to their role and occupation, and in this way, a village will be self-dependant. This is what we are practicing in Ralegan Siddhi." Is it surprising that members of Team Anna have also been associated with Youth for Equality, the anti-reservation (pro-"merit") movement? The campaign is being handled by people who run a clutch of generously funded NGOs whose donors include Coca-Cola and the Lehman Brothers. Kabir, run by Arvind Kejriwal and Manish Sisodia, key figures in Team Anna, has received $400,000 from the Ford Foundation in the last three years. Among contributors to the India Against Corruption campaign there are Indian companies and foundations that own aluminum plants, build ports and SEZs, and run Real Estate businesses and are closely connected to politicians who run financial empires that run into thousands of crores of rupees. Some of them are currently being investigated for corruption and other crimes. Why are they all so enthusiastic?

Remember the campaign for the Jan Lokpal Bill gathered steam around the same time as embarrassing revelations by Wikileaks and a series of scams, including the 2G spectrum scam, broke, in which major corporations, senior journalists, and government ministers and politicians from the Congress as well as the BJP seem to have colluded in various ways as hundreds of thousands of crores of rupees were being siphoned off from the public exchequer. For the first time in years, journalist-lobbyists were disgraced and it seemed as if some major Captains of Corporate India could actually end up in prison. Perfect timing for a people's anti-corruption agitation. Or was it?

At a time when the State is withdrawing from its traditional duties and Corporations and NGOs are taking over government functions (water supply, electricity, transport, telecommunication, mining, health, education); at a time when the terrifying power and reach of the corporate owned media is trying to control the public imagination, one would think that these institutions — the corporations, the media, and NGOs — would be included in the jurisdiction of a Lokpal bill. Instead, the proposed bill leaves them out completely.

Now, by shouting louder than everyone else, by pushing a campaign that is hammering away at the theme of evil politicians and government corruption, they have very cleverly let themselves off the hook. Worse, by demonising only the Government they have built themselves a pulpit from which to call for the further withdrawal of the State from the public sphere and for a second round of reforms — more privatisation, more access to public infrastructure and India's natural resources. It may not be long before Corporate Corruption is made legal and renamed a Lobbying Fee.

This awful crisis has been forged out of the utter failure of India's representative democracy, in which the legislatures are made up of criminals and millionaire politicians who have ceased to represent its people. In which not a single democratic institution is accessible to ordinary people. Do not be fooled by the flag waving. We're watching India being carved up in war for suzerainty that is as deadly as any battle being waged by the warlords of Afghanistan, only with much, much more at stake.

Courtesy: The Hindu (22 August 2011)

Jan Lokpal goes elitist

Dipankar Gupta

Team Anna has taken its eyes off issues that bother the average citizen

If the Lokpal Bill presented to Parliament is a dud, Anna Hazare and his team must accept their share of the blame. They took their eyes off citizens and concentrated almost exclusively on big people in important positions. What tempted them to take this stance? Is it because enemies in high places are better ego boosters than humble friends?

For ordinary people it is of little consequence if the prime minister or Supreme Court judges fall within the ambit of the Lokpal Bill. It is breaking news stuff, but not the stuff of everyday life. What worries most of us is routine corruption at the ground level, but Anna and his activists have set their sights on the stars.

Consequently, sections in the Jan Lokpal Bill which protect whistleblowers and citizens from routine corruption receive little publicity. The government's representatives to the Lokpal discussions are probably looking into the mirror and blowing kisses at themselves. By veering the talks towards prime ministers and judges, they effectively sidelined issues that bother the average citizen.

If truth be told, we have learnt to fear the law enforcer more than the law breakers. When a

bureaucrat looks unhappily at us we come rushing in bearing gifts.It is this everyday, routine terror that we want to be freed from. Docking the prime minister might smell of roses to some, but does nothing for most of us.

Anna and his team are not quite mindful of this fact as they are on an all-time high. They believe that their group binge has given ministers and judges sleepless nights and frown-filled days. As this is an addictive and pleasurable thought, it has led Jan Lokpal activists to effectively ignore parts of the Bill that really matter to citizens.

For ordinary people it is of little consequence if the prime minister or SC judges fall within the ambit of the Lokpal Bill. What worries most of us is routine corruption at the ground level

Which parts are these?

Section 20 in the proposed Jan Lokpal Bill is categorical about protecting whistleblowers. As such threats are "imminent", the document recommends that they should be put on "fast track" investigation and dealt with as soon as possible, within 24 hours.

Section 21 follows soon after with a "Citizens' Charter". This protects us from delayed justice and from having to prove that we were forced to bribe. As this rule is framed in a very objective manner, it puts the onus on the official concerned.

Section 21 (1) of the Citizens' Charter in the Jan Lokpal Bill explicitly expands on this subject. It proposes to "enumerate the commitments of the respective problem authority to the citizens (sic), officer responsible for meeting each such commitment and the time limit within which the commitment shall be met".

If that does not happen, then Section 22 would instantly kick in. There will now be a chief vigilance officer in each "problem authority" who will take action against such erring "public servants".

In other words, if a particular job is not done within the stipulated time, if a verdict is not delivered within the designated period, the concerned functionary will have to explain. Unfortunately, both the protection of whistleblowers and the empowering of citizens have not received the attention they deserve.

This can be gauged from what both sides had to say during and after the talks, especially after. In the post-discussion media releases, neither the government nor Anna's camp spent any time on these issues. This, notwithstanding their long tirades against each other.

Protecting whistleblowers and setting up a citizens' charter are of no consequence to those who are ministers, judges, joint secretaries and above. But they intimately affect ordinary people. If these provisions were to become active we could dust off our knees and stand straight, perhaps for the first time. The police station and the law court would then become friendly places and not next door to hell.

In the long run, Sections 20 and 21 would force the political class and its satraps to reinvent themselves. Gradually, ministers, judges and the mass of officials will have little to hide as they will have no avenues to receive. True, the Right to Information Act exists, but as it stands unprotected only the intrepid few have the guts to use it. In 2010 alone, as many as 10 RTI activists were murdered.

The central vigilance commissioner has confessed that his office does not have the requisite powers to protect whistleblowers. If Anna's team had not been so obsessed by the thrill of locking up bigwigs, the ordinary citizen would have been better served. Judging from the way Satyendra Dubey of National Highways Authority and the additional collector of Nashik were killed, even officials who fight corruption had better watch their backs.

The builders' lobby and the mining mafia can be ruthless in their operations, for they often get police support. There are many instances of such collusion in both small and big cities. Only last month when a Ghaziabad resident attempted to expose a real estate racket, he was promptly arrested by the police. He sang Bhagat Singh-inspired songs on his way to jail, but that did not work.

If, however, Sections 20 and 21 of the Jan Lokpal Bill had become law, that would have helped him. It is just too bad that Anna and his team failed to highlight this aspect. As they were big game hunting they lost the plot and the people they were meant to protect.

The best is often a sworn enemy of the good.

Courtesy: The Times of India (5 August 2011)

Messianism versus democracy

Prabhat Patnaik

The substitution of one man for the people, and the reduction of the people's role merely to being supporters and cheerleaders for one man's actions, is antithetical to democracy

The Central government's flip-flops on Anna Hazare are obvious: it went from abusing him (through the Congress spokesperson) for sheltering corruption, to extolling him for his idealism; from arresting him, without any justification, and getting him remanded to judicial custody for a week, to releasing him within a few hours. But the Anna group's flip-flops are no less striking: it moves from "we-have-a-democratic-right-to-protest-and-place-our-views-in-public," which is an unexceptionable proposition, to "Anna-will-keep-fasting-until-his-bill-is-adopted-or-amended-with-his-permission," which amounts to holding a gun to the head of the Centre, and by implication of Parliament, and dictating that the bill it has produced must be passed, or else mayhem will follow. The government's flip-flops are indicative of incompetence; the Anna group's flip-flops arise because of the compulsions of a particular style of politics on which it is embarked, which can be called "messianism" and which is fundamentally anti-democratic. The fact that it is striking a chord among the people, if at all it is (one cannot entirely trust the media on this), should be a source of serious concern, for it underscores the pre-modernity of our society and the shallowness of the roots of our democracy.

Besides, even if a majority of the people genuinely wish at a particular time to elevate a messiah over Parliament, this is no reason to alter the constitutional order, just as a majority wishing to abandon secularism at a particular time is no reason to do so

Democracy essentially means a subject role for the people in shaping the affairs of society. They not only elect representatives periodically to the legislature, but intervene actively through protests, strikes, meetings, and demonstrations to convey their mood to the elected representatives. There being no single mood, freedom of expression ensures that different moods have a chance to be expressed, provided the manner of doing so takes the debate forward instead of foreclosing it. For all this to happen, people have to be properly informed. The role of public meetings where leaders explain issues, and of media reports, articles, and discussions, is to ensure that they are. The whole exercise is meant to promote the subject role of the people, and the leaders are facilitators. Even charismatic leaders do not substitute themselves for the people; they are charismatic because the people, in acquiring information to play their subject role, trust what they say.

Messianism substitutes the collective subject, the people, by an individual subject, the messiah. The people may participate in large numbers, and with great enthusiasm and support, in the activities undertaken by the messiah, as they are doing reportedly at Anna Hazare's fast at the Ramlila grounds, but they do so as *spectators*. The action is of the messiah; the people are only enthusiastic and partisan supporters and cheerleaders. If at all they ever undertake any action on the side, this is entirely at the messiah's bidding, its ethics, rationale and legitimacy never explained to them (no need is felt for doing so); whenever they march they march only in support of the messiah, not for specific demands that they have internalised and feel passionately about. When they gather at the Ramlila grounds, for instance, the occasion is not used to enlighten them, to bring home to them the nuances of the differences between the government's Lokpal Bill and the Jan Lokpal Bill, so that they could act with discrimination and understanding. On the contrary, the idea is to whip up enthusiasm among them without enlightening them, through the use of meaningless hyperbole like "the government's bill is meant not for the *prevention* but for the *promotion* of corruption", and "Anna is India and India is Anna". If the venue was one where discussions, debates, and informative speeches were taking place, the matter would be different, but those alas have no place in the political activity around messianism.

Informative speeches have been the traditional staple of political activity in India. Maulana Bhashani, a popular peasant leader in what is now Bangladesh,

used to give marathon speeches that were interrupted when people went home for lunch or dinner, or even for a night's rest, and resumed when they re-assembled afterwards; and the speeches contained much information about everything, not just politics but even crop-sowing practices and the best means of irrigation. A speech was virtually a set of classes; it had an educative role. I myself have heard election speeches in West Bengal by the inimitable Jyoti Basu, and also others. The speeches were based on solid homework, and conveyed information and argument to the audience. They also sought to rebut what was being said by the opponents, and hence carried forward a debate in public. Political activity of this kind assumed a subject role of the people and prepared them for it; it was quintessentially *democratic*. Messianic political activity does no such thing; it quintessentially creates a *spectacle*, not just for the audience but above all for the TV cameras upon whose presence it is crucially dependent.

I am not concerned here with whether the Jan Lokpal Bill is the best piece of legislation on the subject; nor am I concerned with the possible RSS links of the Anna campaign. These issues, though important, are not germane to my argument. My concern is with the "dumbing down" of the people that messianic political activity entails: "leave things to Anna but do come to cheer him." Just as in a potboiler Hindi film the hero single-handedly does all the fighting required to rid the locale of villainous elements, messianic activity leaves all the fighting, that is, the subject role, to the messiah. The people stand around with sympathy, and cheer. When the Anna group announces that he will take up issues like land reforms, corporate land grab, and commercialisation of education, once his fight against corruption is over, one almost feels that Shekhar Kapoor's "Mr. India" has finally arrived on the scene! The problem, however, is that "Mr. India" is a negation of democracy; and relying upon "Mr. India", like relying upon the arrival of an incarnation of Vishnu to cleanse the world of evil, is a throwback to our pre-modernity. It is not just an admission of a state of powerlessness of the people that may prevail at the moment; it reinforces that powerlessness.

Messianism is fundamentally anti-democratic because it is complicit in this objectification of the people, this self-fulfilling portrayal of them as dumb objects that need a messiah. When the Anna group uses the term "people" as a substitute for itself (referring to its own bill as "the people's bill," its own views as the "people's views"), it is implicitly carrying out a conceptual *coup d'etat*, namely, that messianism is democracy! But quite apart from the fact that the messiah is not elected by the people, a point made by many, there is the basic point that nobody, whether elected or not, can *substitute* for the people in a democracy.

This presumption, however, explains the flip-flops made by the Anna group. If Anna *is* the people, then democracy, where the people are supreme, demands that his version of the bill *must* be accepted over any other version, including what the parliamentary Standing Committee may come to formulate. The people's supremacy over Parliament entails *ipso facto* Anna's supremacy over Parliament. Messianism necessarily implies an "Anna's-bill-has-got-to-be-adopted" position. Members of Anna's group, many of whom have been associated for long with people's causes, may have occasional discomfort with this messianic position, and may retreat to a "we-are-only-exercising-our-democratic-rights" stance; but since they do not repudiate the messianic position, they perforce come back to the "Anna-is-the-people-and-hence-supreme" stance. To accept that Anna's version of the bill is only one of many possible versions, which the final bill could draw upon, amounts to seeing Anna as one among equals, and not as *the* messiah, that is, to an abandonment of messianism; the Anna group is loath to do this. "Negotiations" with the government therefore come to mean negotiations to make it accept Anna's version; "compromise" comes to mean a compromise that makes Anna's version final.

It may be asked: if the people prefer "messianism" to "democracy," then what is wrong with it? Those thronging the Ramlila grounds or marching in support of Anna in the metros are not necessarily "the people" of the country, and it is dangerous to take the two as identical. The Constitution is the social contract upon which the Indian state is founded, and it cannot be overturned by the wishes of a majority at a particular time. If perchance the government accepts messianism out of expediency, it would be violating the spirit of the Constitution and undermining democracy. Besides, any such licence will make multiple (quasi-religious) messiahs sprout, who would compete and collude, as oligopolists do in the markets for goods, to keep people in thralldom.

Courtesy: The Hindu (24 August 2011)

Do not yield to mobocracy

TK Arun

Barring the very corrupt, everyone would support the ongoing campaign against corruption. But not either Team Anna's specific solution or the means it employs. In fact, there is every reason to oppose and condemn the move to blackmail the government into conceding a very flawed demand.

A monolithic, all-powerful body that would hold every functionary of the state including the judiciary to account, and investigate and prosecute them if necessary, while itself being accountable to no one except to the noble conscience of its exalted members, this, in effect, is Jan Lokpal. If the good god delivers on his promise sambhavami yuge yuge and takes birth as the Lokpal, this might work. But, otherwise, it is completely hostile to democracy, in spirit, principle and practice.

In a democracy, a system of checks and balances is supposed to guards against concentration of power. In India, at present, the judiciary is accountable to no one, and the executive, which controls the administrative machinery that runs the country, is accountable to the legislature. The legislature is accountable to the people who elect its members. Administrative personnel are supposed to be accountable, as to both performance and ethics, though their chain of command, to the political executive. In practice, the administrative machinery is accountable to no one. This absence of accountability has spawned poor governance and corruption.

· Just as checking cannot stop auto pollution without clean fuel an better engines, a Lokpal cannot end corruption
· Nor can democracy be allowed to be subverted by the size or zeal of a mob
· The key reform we need is transparent political funding

But how come the administrative machinery is not accountable to anyone? If the elected offices, manned by people's representatives, are effective, governance would stream into and light up our lives as naturally as sunlight does. But our elected offices are compromised. They make use of the administrative machinery to filch official funds, sell government patronage and extort money from the public. When administration is thus suborned, only a minority of *babus* stay ethical or work.

What makes our elected offices so compromised? This is the central question to be addressed in the battle against corruption. Without clarity on this, the battle cannot succeed.

The politics of the world's largest democracy runs on the proceeds of corruption. All political parties finance their activity through funds that are amassed by loot of the exchequer, sale of patronage and plain extortion. Since political funding is an objective necessity, and the accepted form of funding is corruption, elected offices are compromised.

Even if individual functionaries are not corrupt, the parties they represent run on corruption and are compromised in this fashion. This is true of all parties today. Corruption is not just endemic, but also systemic. Reform of political funding is the key to ending corruption. All political expenditure should be declared and made contestable by political rivals and watchdog bodies. All validated expenditure must be accounted for, and all sources of financing, fully transparent.

Once parties and politicians have transparent funding, they will not need to be corrupt. Corruption will cease to be systemic. Only then can the political executive hold the administrative machinery to account for delivery of governance and ethical conduct.

A Lokpal only offers a layer of deterrence. This is like relying on tough inspection alone to check automobile pollution, without making cleaner fuel available, minus lead and sulphur, and without an engine technology upgrade. Similarly, without institutional reform of political funding, corruption cannot be tackled.

Yes, we need deterrence as well. A strong Lokpal is essential. The entire political executive, including the PM, and senior civil servants should come within its purview. But neither the judiciary nor Parliament can be accountable to this ombudsman. The judiciary must be independent of the Lokpal to keep a check on it. And Parliament's accountability should be directly to the people. If MPs misbehave, voters must have the right to recall them.

It is entirely justified for a popular agitation to press for reform of laws and institutions. So, the Anna mobilisation is most welcome. But not its disdain for the institutions and procedures of democracy or its demand to overturn the system of checks and balances that makes democracy work.

If it is sufficient to mobilise a million people in Delhi, leave alone the lakh Anna has brought out, to demand that Mayawati or Narendra Modi should be made prime minister, they can do it, easily. But that would not be right. What is right matters when it comes to making laws and institutions. Its size, however large, or zeal, however self-righteous, cannot make a mob the people of India. The people of India take decisions through Parliament and cannot be railroaded by a mob.

Courtesy: The Economic Times (25 August 2011)

A differential calculus

Ramachandra Guha

Some commentators have compared the struggle led by Anna Hazare with the movement against corruption led by Jayaprakash Narayan in the 1970s. A man of integrity and courage, a social worker who has eschewed the loaves and fishes of office, a septuagenarian who has emerged out of semi-retirement to take on an unfeeling government — thus JP then, and thus Anna now.

Superficially, the comparison of Anna to JP is flattering — to Hazare at any rate. But let us look more closely at how Jayaprakash Narayan's movement unfolded. JP's papers are housed in the Nehru Memorial Museum and Library in New Delhi. These papers are worth revisiting in light of the struggle of which Anna has become the symbol and the mascot.

Once a hero of the Quit India Movement, then a founder of the Socialist Party, Jayaprakash Narayan abandoned politics for social work in the 1950s. Two decades later, he returned to politics at the invitation of students disenchanted with corruption in Bihar. At first, JP focused attention on his own state; then, much as Hazare has now done, his struggle moved outwards to embrace the whole of India.

There are pivotal differences between Jayaprakash Narayan's and Anna Hazare's movements. As there are between Indira Gandhi and Manmohan Singh

In the late summer of 1974, as his movement was gathering ground, JP went to Vellore for a surgical operation. While he was recovering, his associate Acharya Ramamurti kept him up-to-date with the struggle. Ramamurti's communications, note, with some alarm, the entry of a political party into a professedly "apolitical" movement. While JP was away, wrote his colleague, "the leadership of the movement at least at local levels, is passing into the hands of the Jana Sangh". Ramamurti also worried that "the common man has yet to be educated into the ways and values of our movement, whose appeal to him continues to be more negative than constructive".

After some weeks in hospital JP returned to Bihar. In September 1974, he invited his friend RK Patil to come observe the situation at first-hand. Patil was in his own way a considerable figure, who had quit the Indian Civil Service to join the freedom struggle, and later worked in rural development in Maharashtra. He now travelled through Bihar, speaking to a cross-section of JP's supporters and critics, and to many bystanders as well.

On his return to Nagpur, Patil wrote JP a long letter with his impressions. He appreciated "the tremendous popular enthusiasm generated by the movement". However, he deplored its disparaging of political parties in particular and constitutional democracy in general. As a man of intelligence and principle, Patil was "well aware of the patent drawbacks of the Government presided over by Indira Gandhi". But he did not think it "wise to substitute for the law of 'Government by Discussion', the law of 'Government by Public Street Opinion'". Patil reminded JP that "there is no other way of ascertaining the general opinion of the people in a Nation-State, except through free and fair elections".

The materials of history thus suggest that the parallels between JP and Anna are less comforting than we might suppose. Front organisations of the Jana Sangh's successor, the BJP, are now playing an

increasingly active role in 'India against corruption'. While Anna cannot be blamed for the infiltration of his movement by partisan interests, he certainly stands guilty, as did JP, of suggesting that the street — or the maidan — should have a greater say in political decision-making than a freely elected Parliament.

Such are the parallels in the realm of civil society. What then, of the other side? The main difference here is that while the prime minister of JP's day, Indira Gandhi, was excessively arrogant, the present prime minister is excessively timid. Despite his personal honesty, Manmohan Singh is complicit in the colossal corruption promoted by the ministers in his government. Further, he is guilty of a lack of faith in the procedures of constitutional democracy. His decision not to stand for a Lok Sabha seat does not violate the Constitution in law, but does so in spirit. Because of his unwillingness to face the electorate, his claim to defend the primacy of Parliament lacks conviction.

An arrogant politician can be chastened by defeat — as happened with Indira Gandhi in 1977. But it is hard to believe, based on his recent record, that Singh can act boldly now to recover the reputation of his government. By not sacking Suresh Kalmadi after the media revelations of his misdeeds, by not sacking A Raja as soon as the information on the spectrum scandal was sent to his office, by sanctioning an election alliance in Tamil Nadu with the heavily tainted DMK, by refusing to rein in loose-tongued Congress ministers — in these and other ways, the prime minister has contributed to a widespread public revulsion against his regime. It is time that Singh made way for a younger man or woman, for someone who has greater political courage, and who is a member of the Lok Sabha rather than the Rajya Sabha. As things stand, with every passing day in office his reputation declines further. So, more worryingly, does the credibility of constitutional democracy itself.

To restore faith in the constitutional process some heads must roll in government. But serious introspection must take place within what passes for 'civil society' as well. The movement led by Anna Hazare has focused sharp attention on the corruption of our political class. However, the task now is not to further polarise State and society, but to find democratic and transparent ways of making politicians more efficient and less venal.

The scholar and public servant Gopalkrishna Gandhi recently observed that the arteries of constitutional democracy have become clogged, contaminated by years of abuse and disuse. One needs, he said, a bypass surgery to restore the heart to its proper functioning. The image is striking, and apposite. The current movement against corruption may come to constitute such a bypass, so long as it does not claim to be the heart itself.

Courtesy: The Hindustan Times (24 August 2011)

A tale of two movements

Amita Baviskar

Differences between the RTI and Jan Lokpal Bill campaigns are striking and instructive

The agitation for the Jan Lokpal Bill (JLB) is being hailed as 'unprecedented' and as a 'second freedom struggle'. More grounded analysts have likened it to the Navanirman movement led by Jayaprakash Narayan in the 1970s. However, a more apt comparison lies closer at hand.

Less than six years ago, Parliament enacted a national Right to Information Act. This was a major victory for the RTI campaign which aimed to empower people to fight corruption and malgovernance. It mobilised a nationwide network of support, bringing together activists, NGOs and ordinary citizens, and effectively using media and middle-class interlocutors. India Against Corruption (IAC), the coalition leading the present campaign, shares the goals and the networking strategy of the earlier campaign, and its leaders Arvind Kejriwal, Prashant Bhushan and Anna Hazare were closely associated with it.

Yet, the differences between the two campaigns are striking as well as instructive. The RTI campaign and the JLB campaign both strive for greater government accountability, but their ideologies, modes of organisation, support base and strategies diverge in important ways. Understanding these differences is crucial if the Lokpal Bill, once enacted, is to achieve its stated goal.

The jan sunvai's success depended on systematic preparation to mobilise people to testify, collect information and check its accuracy. The groundswell of public anger against abuse of public funds was harnessed to create a coordinated campaign led by trained local activists.

From the villages, MKSS took its campaign to the district and state level, staging determined demonstrations that attracted the middle classes and intellectuals, before leading the national RTI campaign. The national network was more eclectic; it included not only jan sangathans like the MKSS, but also individual anti-corruption activists like Anna Hazare and Shailesh Gandhi. Notably, the RTI campaign aligned itself with the National Alliance of Peoples Movements, sangathans of the rural and urban poor fighting against dispossession. This organisational base gave the RTI campaign a solid political credibility.

The RTI campaign grew out of the experiences of the Mazdoor Kisan Shakti Sangathan (MKSS), the jan sangathan (people's organisation) in rural Rajasthan which had, for two decades, fought corruption in village development works. The MKSS pioneered the use of jan sunvai or public hearings as a technique to empower villagers to 'speak truth to power', challenging an opaque, oppressive and corrupt system of governance

The JLB campaign shows a distinctly different trajectory. Even though Kejriwal's Parivartan, which battled corruption in ration shops in two Delhi slums, was a jan sangathan, its base was too limited to launch a nationwide campaign. The other campaign leaders - Prashant Bhushan, Kiran Bedi and Hazare - also cannot muster a trained cadre of activists. The JLB campaign has mobilised participants in two ways: through social networking and the media; and via regional chapters of Baba Ramdev and Sri Sri Ravi Shankar's congregations.

The coming together of a predominantly young, white-collar constituency that communicates through text messages and Facebook, lower-middle-class followers of Baba Ramdev, and the professional classes that practice the Art of Living gives the JLB campaign the strength of numbers as well as the image of appearing all-inclusive. However, this strength may dissipate once the Bill is passed. Mobilising crowds for a successful agitation is one thing; having a committed and trained activist base to convert that success into long-term institutional change is quite another.

If the RTI campaign embraced sangathans with an Independent Left ideology, the political beliefs of the participants in the JLB campaign are harder to pin down. Eight of the 20 founders of India Against Corruption are religious figures, of whom only Swami Agnivesh can be described as a champion of jan sangathans. The rest voice patriotic sentiments and anti-government hostility without a clear analysis of how the systemic problems that plague public affairs will be tackled. Sri Sri Ravi Shankar's previous social initiatives have been of doubtful value (cleaning the sewage-laden Yamuna by picking up garbage from the riverfront) and marked by dubious claims (11,000 Naxalites 'converted' to the Art of Living).

While other founders like Hazare and Bedi have a reputation for personal probity and courage, they endorse a form of individualist authoritarian action that's applauded by a public hungry for vigilante heroes. The JLB thus represents a shift in the political spectrum: from the left-of-centre democratic decentralisation of the RTI campaign, to the right-of-centre legal-technical-fix of India Against Corruption.

The test of any law lies in its implementation. Much disquiet has already been expressed about the overly-centralised design of the JLB and the impracticability of the mammoth bureaucratic machinery it demands. However, making a law work also requires a mobilised public, a dedicated and organised network at every level that will keep up the pressure on public institutions. The ideologies, organisational structure and support base of the JLB campaign do not indicate that it is capable of such long-term and systematic social action.

The RTI campaign's activist base has allowed it to sustain an arduous struggle against corruption, but the challenges have been formidable. It remains to be seen how the JLB campaign will equip itself to walk the talk, and translate strident demands into effective action.

Courtesy: The Times of India (6 September 2011)

When television was revolutionised

Ramesh Sharma

The coverage of the Anna Hazare movement reveals a lot about our TV channels, and their newfound sense of power and omniscience. The phenomenal rise in Anna Hazare's popularity, especially between his fast in April and his arrest on August 16, can be largely attributed to the UPA's blunders, which persuaded even fence-sitters to throw their support behind Anna.

However, in spite of these mistakes, and for all that Anna managed to strike an emotional chord with much of the nation, his movement became a huge collective experience largely because of the electronic media. 24x7 TV channels were his constant cheerleaders, giving momentum to his cause. The Anna movement was, in fact, made for TV. After a season of scams, the image of a frail and simple 74-year-old activist pitting himself against a powerful and venal state was compelling. His lonely figure, wasting away on an indefinite fast, set against a large profile of Mahatma Gandhi, became an iconic TV image. It was a facile narrative of good against evil, a populist theme of a universal fight against corruption — and TV channels helped it take over the national agenda with the speed of a tsunami.

The Anna Hazare movement and our 24X7 channels lived off each other

The movement was given relentless, wall-to-wall coverage, 24x7. Every press conference, every speech by Team Anna — even the theatrics of some of Team Anna's resident performers on the Ramlila stage — were covered live by almost all channels. The incendiary comments, the crude humour, all were fodder for the masses, helping create a distinctly anti-establishment, anti-Parliament mood.

For 24x7 news channels, the Anna Hazare coverage was much like a reality show. The hysterical reporting — mostly motivated by competitive populism — had been at times like an extended advertorial for Anna Hazare. There was no effort to separate the core issues from raw emotions. While there were some stories in the print media on how the movement was structured and the differences between key personalities, television coverage was jingoistic and almost reverential. Anna was seen almost entirely through this benign prism and became synonymous, not with the contradictions inherent in his Jan Lokpal bill, not as an unreasonable man, who in the early days of the agitation was attempting to push his version down Parliament's throat — not even as someone who posed the real threat to the delicate balance between the three organs of our Constitution — but only with the emotional resonance of an anti-corruption movement. It is another matter that his personal credibility factor made it easy for TV channels to package the messenger.

The Jan Lokpal bill has been sold to the Indian public as the ultimate panacea to end corruption in the country. One can grant TV channels the editorial right to decide what to feed their viewers. But the absence of any critical analysis of substantive issues, the reluctance to debate the import and repercussions of the Jan Lokpal bill or even alternative bills like the one proposed by Aruna Roy, was truly irresponsible. In the early days of the agitation, those who questioned Team Anna were ignored — and most anchors were reluctant to question Team Anna hard, for fear of being seeing as pro-corruption. It was only when the endgame neared that prime-time debates focused on the bill, but this too was distracted, with the usual suspects as speakers and the discussions quickly descending into slanging matches between the two principal political parties.

We can grant both Anna Hazare and the electronic media the distinction of having allowed corruption in daily life to occupy the centre stage of our public discourse. But by encouraging a lynch mob-mentality, by making the choices facile, in the "you are with us or against us" mode, viewers have been lulled into believing that Anna's formula is the only way to save us from a "corrupt " government and an impotent Parliament.

The truth is that there is no magic wand to end corruption, that the devil is actually in the details. That any legislation that challenges the basic tenets of our Constitution is inherently more dangerous than the solution it proposes. And that this legislation itself in any case, will only be the first step in a very long journey to eradicate corruption.

Now that Team Anna has won a moral victory and Anna Hazare has called off his fast it is imperative that both Anna and his partners in the electronic media educate their supporters on putting in place many other landmark legislations, including electoral reforms and funding of political parties in the coming months and years, if corruption is to be truly reduced. Otherwise, they both will only have used and abused the trust of hundreds of thousands who have marched behind the piper (as a UPA minister described it) with hope on their lips, singing and dancing to the seductive, sometime shrill, tune and the promise of instant moksha from corruption.

In his book Believing Bullshit, Stephen Law writes that there is a good chance if you apply control, repetition, emotional manipulation, — that is, tools of brainwashing — the focus group will eventually accept what you say. In recent times, we have witnessed this modus operandi being used quite effectively not only by Team Anna but also by the electronic media. But as the American comedian Jon Stewart says: "If we amplify everything we end up hearing nothing." An observation Indian news channels are well advised to pay serious attention to, if they are not to lose their own credibility and voice.

Courtesy: The Indian Express (5 September 2011)

Anna hurricane in New Delhi

PN Vasanti

Even people who don't usually watch television couldn't have missed the overwhelming presence of Anna Hazare's anti-corruption campaign across all media, especially the Internet.

Worldwide support for the movement was raised using Twitter and Facebook. YouTube was used to upload and share messages even when Hazare was in jail at the start of his fast.

And, if one did switch on the television, there was nothing else but the drama surrounding the Hazare fast for almost 12 days. A CMS Media Lab analysis of four channels (CNN-IBN, NDTV 24x7, Star News and Aaj Tak) showed the preoccupation with the story. Since the start of the fast on 16 August till it ended on 28 August, these four channels spent only 6% of prime time on any other news. On some days the channels had no other news on prime time—NDTV 24x7 and CNN-IBN had four such days and Aaj Tak and Star News, nine.

Interestingly, unlike blanket coverage of national events including the Mumbai terror attacks, the Hazare campaign coverage also made for good economics.

To illustrate this point, in the four channels mentioned above, almost 27% of prime time was taken up by advertisements—CNN-IBN and NDTV 24x7 devoted 23%, while it was 30% for Aaj Tak and Star News. Even popular soaps and reality shows lost viewership to the protest, resulting in increased viewership of the news channels.

Perhaps for the first time, most news media (especially television) dropped all pretence of being objective and were part of the cause. The one-sided coverage became part of the story and there were a series of discussions on the media's role in fanning the protest. Even the parliamentary debates were compelled by this coercive coverage.

While there is nothing wrong in taking sides, especially on a cause like corruption, the loud and outright snub of alternative points of view was condescending. In a democracy, the right to protest and oppose views is critical even in popular movements—the lack of this discourse in the Hazare coverage was alarming.

I have written earlier in praise of news media taking up corruption issues and their potential in raising the current debate on corruption to new levels. However, this overload of media coverage focused around the Hazare campaign hasn't done much to clarify the issue or empower the common citizen. Yes, it did raise extraordinary attention and promote participation in the protest, but the elephant in the room—corruption and its various forms and nuances—was ignored.

While one can be grateful that for once there was public discussion on policy and policymaking mechanisms, what was worrying were the one-sided arguments and media-led hounding of public institutions and representatives.

As I explained to my 10-year-old, I felt this round of the Hazare campaign mirrored his school

experience. Last year, he faced bullying at school; a year later he seems to be reciprocating. After Hazare and his team sensed the power they derived from public support, this time around they arm-twisted Parliament to agree to their demands.

The 74-year-old Hazare's ability to unite and motivate almost all Indians in his crusade against corruption was admirable. He resonated with the apathetic urban middle class and even the young. For once, the media bandwagon could provide the multiplier role that it failed at, even during the elections.

However, the Hazare hurricane can only be temporary and the sentiment won't be sustained unless we are vigilant against corruption in our daily lives.

Courtesy: The Mint (2 September 2011)

Countering corruption: role of media

Dr N Bhaskara Rao

Address to Press Institute meet by Ajit Bhattacharjea at India International Centre - July 2001

The Dilemma!

Are we insensitive to corruption? That is the impression one gets today considering the way corruption has spread and is prevalent, no matter which stream of public life one comes from. However, if on the other, one looks at the extent of coverage of corruption in news media, day in and day out, one gets a different feeling. Does it imply that media reporting of corruption makes no difference (has no influence or impact) on civic conscious? Certainly something is missing in this present paradigm. Is it not?

Collective civic action and media's pro-active initiatives

Apart from individual level experiences, recent field surveys at macro level have brought out the extent corruption has spread, not just at top levels and at national level, but affecting common citizen in availing basic civic services. This is irrespective of educational or economic level of people. No wonder then that space devoted to corruption is nearly three per cent of daily newspapers against around one percent two decades ago. There are ofcourse instances of a media report leading to Government action and even collective civic action when it comes to a fraud swami and the likes. But hardly them are examples of boycott of a corrupt politician.

The point is citizen is more often passive and collective civic action against the corrupt is rare. Even "media crusade" was missing and "collective media concern" to wards rooting out corruption is limited. The coverage is mostly about personalities, politicians and polls. Not so much on systemic aspects which sustain corruption.

Has corruption been part of our agenda at national or state level? Yes, more as a rhetoric, as an accusation or as a failure. However, CMS poll eve surveys over the years has shown that individually voters are concerned about corruption and the corrupt. The percentage of such voters was invariably below 25 per cent – even in Tamil Nadu and Bihar at the height of local corruption. In fact, that was hardly 15 per cent in most states. Nevertheless, such a concern has not lead to collective civic action or doing something about it on a sustained basis. And even actual voting behavior was not so much infused by corruption of candidates.

Concern against corruption yes, but proactive initiatives missing?

One conclusion that could be drawn from media coverage of corruption is, what I called, is "mere reporting mode" rather than to "mould" or "provocative or preventive". Also, one does not find much media reporting of instances where citizen or a community did something about rooting out corruption. So that more people could emulate the approach.

Are our laws standing in the way for media playing such a pro-active role?

Certain contradictions

Then of course is a more glaring contradiction. That is regarding priorities and preoccupation in media reporting or coverage. For, (as an young girl had sung at Mr. N. Vittal's meeting some years ago on all pervasive nature of corruption), the kind of life styles being projected, perpetuated and hyped, particularly on television, sustains corruption (among the middle and lower middle class sections of people and even more in the minds of young). Such coverage breeds greediness, the root cause for all corruption. That is what television promotes. That the is kind of consumerism, life styles and "self-centered" values.

What are we dong about such phenomena, at policy level and as concerned citizens? Unless we do

something about that very "breeding process", how can we expect to root out corruption?

Preoccupation wth politicians and corporates

What are our media is priorities?. Corruption involving a politician or a bureaucrat attracts media coverage more than corruption going on systematically and affecting many common people. The ones which can be politicized are hyped, but forgotten no sooner. Opportunity to bring to fore a deep rooted malice involving and concerning most common citizens is ignored for sensational angle in the news converge. This is what the problem is all about.

PR –perpetuating?

How "middle men menace" is causing havoc in perpetuating corruption in public services was brought out by a recent CMS study. When it comes to media we now have a new functionary of middlemen and women – with potential for the mischief. Have we ever talked of those functionaries and their role?. It is these people who now orchestrate how a corrupt deed should appear in media. I am obviously referring to "PR" and their new found role of lobbying. The less the concern in the news media about corruption, the more active role PR people will have in the media. Even civic society initiatives do not get a chance of media coverage unless they operate through a PR. Corporate PR is causing an havoc and yet we seem to be not bothered as to what it all means.

This is yet another issue where I do not find much change over the years. That is if one were to analyze the origin, source and content of news, one gets the impression that media exist more for the Government, politicians, bureaucrats and businessmen, not so much for communities or citizens, not to the extent they deserve. That is how sometime ago I started describing this phenomena by saying that our mass media today are in fact "marketing media" more. This situation ofcourse is even more today than when I said that based on content analysis studies. For, now newspapers spend less than 20 percent of their revenue for news collection against hardly 10 percent in mid 1970's. The Hindu is the only paper which spend much more.

Corporate Corruption

The country has been witnessing recently a series of financial frauds, bunglings or and manipulations affecting million of common people. During the same period we have seen proliferation of news media, including 24 hour channels and on-line news and most operations (in the news rooms and financial markets) are computerized. And yet how many instances are their of news media preventing or doing a "expose in-time", "if not before" so that millions of investors are not deprived of their life savings?. Take for instance US-64, just a couple of days before the crises came to fore and the freeze, who were the ones who sold the shares at Rs.14?. Have we heard anything about it?. Was it difficult to report?. As readers, viewers or investors and citizens, are we more "enlightened" or "better informed" by media so that all that corruption could have been prevented.

On the contrary, there are stories floating how media people were "aware" but not "concerned enough" to put across the goings on in their columns. What were the media establishments themselves doing. Harish Khare of the Hindu described this phenomena as some kind of a "Jugalbandhi". Is "page three journalism" busy building up busy bodies and the corporate manipulators?.

How else senior journalist Harish Khare could write some years ago only yesterday (The Hindu, 13 July, 2001) that "Economists and pink paper" editors who are otherwise good at explaining away the corporate (sins of the pinstriped entrepreneurs) are doing their best to fudge the US-64 issue". He referred how deliberately such misleading takes place. In fact, "the power and punditry" being attributed to columnists today is such they could perhaps do a better job in exposing corporate corruption than what Enquiry Commissions and Committees are able to do. But only if they wish and only when they are not part of a Jugalbandhi!.

Indian media's Anna moment

Is the media's job to support or to report?

The cameras have been switched off. The microphones have fallen silent. But the cacophony generated by the saturation media coverage accorded to the agitation led by Anna Hazare for a Jan Lokpal Bill continues to ricochet. Questions are being asked, as well they should, not just about the extent of media coverage, especially by the electronic media, but on the content of the coverage. Given the profuse expressions of appreciation by the Anna Hazare group at the end of the protests to the media for its "support", a key question that the media needs to ask is whether its

role in such a situation is to support or to report. By becoming participants in this particular campaign against corruption, has the electronic media forfeited any semblance of professionalism that had survived previous occasions where it had gone overboard? Or will it take the time to pause now and analyse why it decided that the saturation coverage of the campaign, at the cost of scores of other important news developments across India, was justified?

From the coverage of the April fast by Anna Hazare at Jantar Mantar, where television anchors were waxing eloquent about how this was India's Tahrir Square, to August when a leading anchor announced that this was "an inflexion point" in India's history, it was apparent that the electronic media had bought into the protest, setting aside scepticism or distance essential in the interests of accuracy and balance. The story had been reduced to good and evil with "civil society" of the Anna brand as good and the government as evil. Even if one argues that some of the coverage was justified, particularly after Hazare's arrest and the drama of his release that followed, when and how did the media decide to accord the protests non-stop uncritical coverage? One reason could be that the response in April to the fast had alerted news media that this was a story their largely middle class urban viewers would follow. Television revenue is based on viewership. Over the two weeks in August that all news channels, with the exception of Doordarshan, focused exclusively on Ramlila Maidan, news viewership increased while that of sports as well as Hindi movies dropped.

A second factor could be that the people who staff our media come from the same class as those leading the anti-corruption protests. The Anna Hazare group included journalists and technology savvy young people. They knew how to talk to journalists; journalists knew how to relate to them. Such a cosy relationship is not possible with adivasis fighting for their lands, dalits agitating against exclusion, north-easterners and Kashmiris demanding repeal of oppressive laws or anti-nuclear agitators who resist the imposition of a dangerous technology. On the other hand, corruption, particularly someone else's corruption, is a comfortable cause to support along side "people like us". For the electronic media, this story was tailor made - a fixed location, colourful crowds, a 74-year-old Gandhian type figure on fast, and a campaign against something as generic as "corruption" that had universal appeal. "Team Anna" provided quotable quotes, considerable drama, and full access at all times. Plus, the protests were concentrated in Delhi and a few large cities, with rural India represented by Anna Hazare's village, Ralegan Siddhi. So even in terms of logistics, this was an easy story to cover.

It is how the media converted a protest into a "movement", a few cities and a village into "the nation" and a compromise into a "victory" that is even more worrying than the extent of the coverage. Almost from the start, the protests had been dubbed "a second freedom movement", "August Kranti", etc, placing them in a historical context with which they bore little resemblance. Second, the size of the gatherings at various places was vastly exaggerated by media treatment. Close camera shots hid the actual size of the crowds while reporters used terms like "sea of humanity" rather than approximate numbers. As a result, viewers were led to believe that the numbers had grown from thousands to tens of thousands to millions. Anchors were constantly telling viewers that "never before" had so many people gathered for a protest, a blatant inac-curacy that slipped by unquestioned.

The constant repetition of terms like "nation", "freedom struggle", "victory" by the media enhanced the size and significance of the protest. As a result, in popular imagination, the Anna led agitation will be remembered as one consisting of "millions" of people across the "nation" fighting "a second freedom struggle" when in fact it was a popular, largely urban upsurge against corruption and for a law to curb it. None of this should matter if indeed the media helped push an insecure and indecisive government into moving on a law that was long overdue. The danger lies in the precedent it has set. It suggests that as long as a group, regardless of its agenda, knows how to handle the media, brings in viewership, and confines protests to logistically convenient locations, it can get coverage which, given the power of 24 x 7 news television, can be leveraged to negotiate with the government. In a democracy, where media should act as a check on all power - not just government power - such a scenario is worrying in the extreme.

Courtesy: Economic & Political Weekly (3 September 2011)

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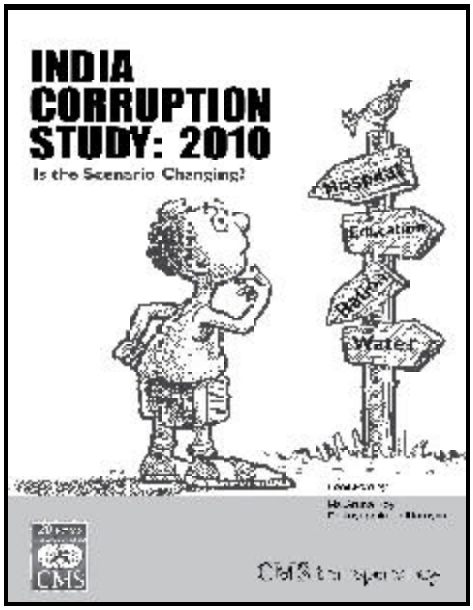
INDIA CORRUPTION STUDY (ICS) 2010



This is the seventh edition of studies undertaken by CMS since 2000 and fourth in the last five years. CMS has been constantly experimenting with the research methodology to focus on regions and sections of the society that desire specific attention on the extent of corruption in public services. The present report, based on ICS 2010 undertaken by CMS, focuses on household level survey in rural areas of twelve states. The four public services covered in this round are public distribution system (PDS), school education (up to class 12th), water supply services and hospital services.

This report brings out, first, general perception (P) of rural India about corruption in public services and in specific context of the four public services. The second section discusses rural households experience (E) again in general and specific context of each of the four public services. The third section brings out the estimation (E) of bribe amount paid by rural households of the twelve states in the four public services covered in ICS 2010.

Further, to bring out a comparative picture, the present report has compared with ICS 2005 round data of only rural households of the eleven states, covered during the round. Tripura was not visited during ICS 2005. For highlights: www.cmsindia.org

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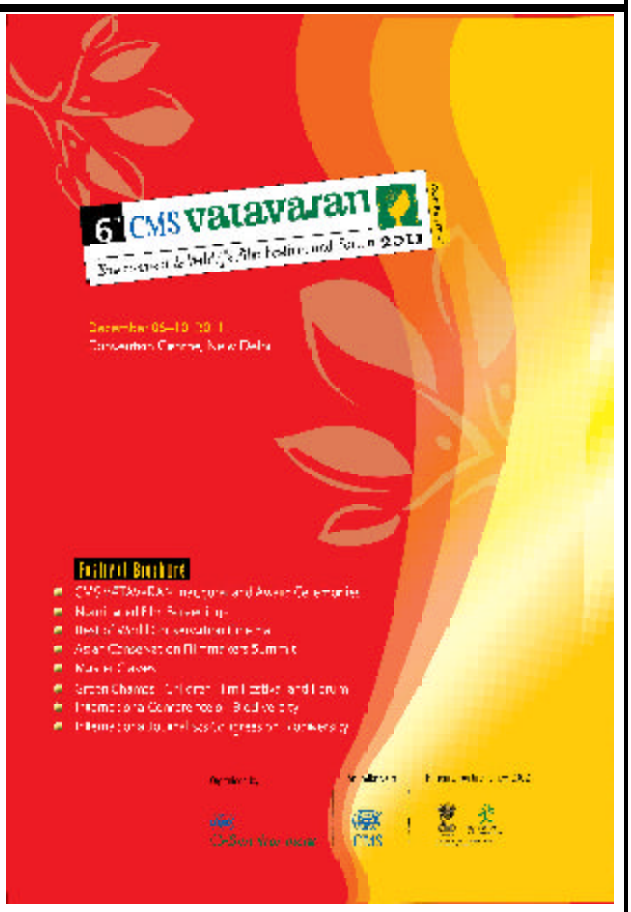
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