

LOKPAL AND THE ROLE OF MEDIA IN PROPPING UP ANTI CORRUPTION MOVEMENT IN INDIA

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ABSTRACT

The existing devices for checks on elected and administrative officials have not been effective as the growing instances of corruption cases suggest. The Central Vigilance Commission (CVC) is designed to inquire into allegations of corruption by administrative officials only but cannot punish the guilty. The CBI, the premier investigating agency of the country, functions under the supervision of the Ministry of Personnel, public grievances and pensions (under the Prime Minister) and is therefore not immune from political pressure during investigation it can be said, “the CVC is independent but does not have powers while CBI has power but is not independent”. As a result the first cannot punish while the latter cannot investigate fairly. All these have necessitated the creation of an independent and high powered Lokpal with its own investigation team. Unfortunately for last four decades, no effective act or institution was developed. As a result, a nation-wide movement could take place with the leadership of a Gandhian social activist. Most importantly, this was the time when the nation witnessed many corruption cases at various level and the intervention of media has helped in taking to its heights and made it a national movement. Hence, while analyzing the historical perspectives of Lokpal, this study would attempt to answer the most pertinent question whether the mainstream media or social media helped in giving shape for a huge movement. Secondly this study will also find out the nature of media’s contribution for establishing an effective Lokpal in India.

KEYWORDS: Lokpal, Anti Corruption Movement, Anna Hazare, Media

Introduction

Political corruption is an ongoing problem in India, acknowledged domestically and internationally. Transparency International ranked India 95 out of 182 on its 2011 Corruption Perceptions Index, with a score of 3.1. India scored better than North Korea and Somalia, which had scores of 1. New Zealand ranked No. 1 with a score of 9.5. Additionally, Transparency International reported that more than 50 percent of Indian respondents disclosed they paid bribes to use basic public services, which indicates a relatively high level of actual corruption (Transparency International:2010). Corruption can lead to decreased economic development, as theft diverts money for public services and infrastructure from its original purpose. It can also cause foreign investors to avoid new investments, as they may wish to avoid paying bribes levied by corrupt officials. India’s 2005 Right to Information Act called for increased transparency and required that the government disclose requested information to Indian citizens, allowing them to

expose corrupt acts. However, this legislation does not directly address corruption, and complaints against corrupt officials often go unanswered.

Several highly publicized scams involving the Commonwealth Games, the Indian Premier League, and the telecommunications industry helped spark more recent interest in curbing corruption (Bong: 2012). To combat corruption problems, India's Parliament has debated establishing an independent commission with the authority to investigate and punish corrupt government officials. To stick people faith in democratic set up, we need an independent agency which can effectively control mal-administration, corruption or misuse of power by the person in the office. In order to have a good government there is an international demand for the importation of Ombudsman, the Indian version of this is Lokpal and Lokayukta. A *lokpal*

(Ombudsman) is a government official or organization that investigates individual complaints against public officials. However, differences between the government-drafted *Lokpal* bill and a version written by Indian activists caused political tension.

Lokpal – An Indian Ombudsman

The Indian Lokpal is synonymous to the institution of Ombudsman existing in the Scandinavian countries (Sweden, Finland, Denmark etc). The office of the Ombudsman originated in Sweden in 1809 and has been adopted by many nations. The Swedish word Ombudsman means “a procurator or agent of civil affairs which may be interpreted as “the people advocate”. Ombudsman is a government official who investigates citizen's complaints against the administrative and judicial action. Though appointed by the legislature he is an independent functionary – independent of all three organs of the state, but reports to the legislature. The Ombudsman can act both on the basis of complaints made by citizens or suo moto-that is, on his own initiative. He can look into allegations of corruption as well as mal-administration (Rowat: 1965).

Lokayuktas in the states

Even after a lapse of so many years nothing has been done substantially at the central level for implementing the institution of Lokpal. But at the state level, many states have adopted this institution in the name of Lokayukta. There are as many as 17 states where the institution of Lokayukta has been constituted, beginning with Orissa in 1971. However, the power, functions of jurisdiction of Lakayuktas are not uniform in the country. In some state, it has been applicable to the entire elected representative including CM. on the contrary, in some other state legislators have been deliberately kept out of his purview. Lokayuktas have not been provided with their independent investigating machinery making them dependent on the government agencies. As a result there lies enough scope for the politicians and the bureaucrats to tinker with the process of investigation (Shukla & Singh: 1998).

Rationale for an Institution – Lok Pal

The mechanisms available in the regular process of government, are inadequate to check corruption in administrative department, for example, and any decision of an official can be appealed to a higher official all the way up to the head of a department. However this mechanism has inherent flaws. Though officers enjoy departmental fraternity with those against whom

complaints are made, and both sail the same boat. Therefore their impartiality in judging appeals is always doubted. On the legislative side, an individual can approach the member representing his constituency for his demands but given the absence of easy access of an ordinary to his representative, this has more remained a myth than reality. Other than this politics is “now” ridden with nepotism and favoritism, criminals have easy access to legislature, political corruption is mounting this is more dangerous than bureaucratic corruption.

Among the organs of state, the judiciary has proved itself to have highest credibility in protecting individual right. However, due to procedural complexities involved in the court cases – right from the filing a case to the delivery of final verdict – there are inevitable delays of justice, which often are considered as denial of justice. The existing devices for checks on elected and administrative officials have not been effective as the growing instances of corruption cases suggest. The Central Vigilance Commission (CVC) is designed to inquire into allegations of corruption by administrative officials only but can not punish the guilty. The CBI, the premier investigating agency of the country, functions under the supervision of the Ministry of Personnel, public grievances and pensions (under the Prime Minister) and is therefore not immune from political pressure during investigation it can be said, “the CVC is independent but does not have powers while CBI has power but is not independent”. As a result the first can not punish while the latter can not investigate fairly. All these have necessitated the creation of an independent and high powered Lokpal with its own investigation team.

Therefore there is a need for a mechanism that would simple, independent, speedy and inexpensive means of delivering justice by redressing the grievances of the people. Examples from various countries suggest that the institution of ombudsman has very successfully fought against corruption and unscrupulous administrative decisions by the person held high offices.

HISTORICAL BACKGROUND OF “INDIAN OMBUDSMAN” – LOKPAL

The Beginning of Lokpal Movement in India

After India attained independence, M.K. Gandhi’s call to his colleagues in the freedom struggle to convert their association into Lok Sevak Sangh and engage in social constructive work was followed by a few of its true colleagues, one of them is Shri Shambhu Dutta Sharma who had refused to serve under the British and joined him in India’s struggle for independence. They later formed a Lok Sevak Sangh as a sister organization of the Servants of People Society (founded by Lala Lajpat Rai and inaugurated by M.K. Gandhi in 1921) and undertook the constructive social work during which they came face to face with pervasive corruption which they found as the greatest impediment and hindrance to any developmental work. They identified political corruption as the mother of all corruption and just as in the case of a staircase we have to begin the clean up from top, it decisively undertook the initiative to eliminate corruption, criminality and abuse of authority from Indian politics, which they termed it as political reform work that they undertook as a critical constituent of civil society in association with many fraternal NGOs (Lok Sevak Sangh: April 2000).

The administrative reform committee of Rajasthan and Maharashtra recommended the establishment of this institution at state level. On 16th December 1963 in parliament the Home Minister also admitted the importance and urgency of providing machinery for looking into the

grievances of citizen against administration. The Ist Administrative Reform Commission (ARC) set up in 1966 under the Chairmanship of Morarji Desai in its very first intrim report on the “problem of redress of citizens Grievances” recommended the constitution of a two-tier machinery – of a Lokpal at the Centres and Lokayuktas in the states, as it will remove the sense of injustice from the minds of citizens and also instill the public confidence in the efficiency of administrative machinery (Gupta: 1995).

Efforts for setting up of Lokpal:

To give effect to this recommendation of Administrative Reform Commission a bill namely, the “Lokpal and the Lokayuktas bill 1968” was first time introduced in the Fourth Lok sabha in 1968, and was passed there in 1969. However while it was pending in the Rajya Sabha, the Lok Sabha was dissolved resulting the first death of the Bill. The bill was revived in 1971, 1977, 1985, 1989, 1996, 1998 and more recently in 2001. Each time after the bill was introduced to the house it was referred to some Committee for improvement – a joint Committee of parliament, or a departmental standing Committee of the Home Ministry – except 1985 before the government could take a final stand on the issue the house was dissolved and bill lapsed. In 1985 the bill was withdrawn (Lewis & Singh: 1995).

The long-standing crusade against corruption on Gandhian lines by the GSSB and its predecessor, Lok Sevak Sangh, since its first letter to the Prime Minister of India, Shri P.V. Narasimha Rao in 1994 and in a more organized form from 1999 to the present Union Government has been primarily on the following three demands or remedial measures for elimination of corruption, criminality and abuse of authority from Indian politics to ensure ethical governance: (i) appointment of strong and effective Lokpal, (ii) debarring of criminals and corrupt from contesting elections, and (iii) forfeiture of illegally acquired property (Lok Sevak Sangh: April 1999). The more than decade year long struggle by the Gandhian Seva & Satyagraha Brigade and its predecessor, Lok Sevak Sangh, for the above three demands met with partial success when the 2nd Administrative Reforms Commission (ARC) appointed by the Congress-led UPA(I) Government accepted all the three demands in 2007 and incorporated them in its 4th Report titled, ‘Ethics in Governance’ (II ARC Report: 2006).

With the passage of time, Lok Sevak Sangh founded the “Gandhian Seva & Satyagraha Brigade” (GSSB) in 2008 to undertake the Satyagraha programme for any cause of national interest, including their political reform work, carried out by the Lok Sevak Sang and their recommendations were subsequently accepted by the Government of India in 2008 in its ‘Action Taken Report’, as a result of Gandhian Seva & Satyagraha Brigade’s persistent and sustained struggle on Gandhian lines. (Lok Sevak Sangh: July 2008). Further, in pursuant of their ‘Do or Die’ mission to eliminate corruption and criminality from Indian politics, it demanded the Union Government to take further action on having accepted the 3 recommendations of the 2nd ARC by enacting necessary legislations and give a reasonable time frame for the same by 23rd December 2010, or else it would be left with no alternative but to resume their month long Satyagraha in the Gandhian way from 1st January 2011, as per their commitment made to fellow countrymen, who have extended their moral support to their campaign for clean politics, culminating in Fast-unto-Death, the last weapon in the Gandhian armoury, if by 27th January 2011 there is no response that the Lokpal legislation is introduced in the Budget session of Parliament. (Lok Sevak Sangh: October 2010)

The Gandhian Seva & Satyagraha Brigade went on a month long relay fasts at *Jantar Mantar* in New Delhi from 1st January 2011, and on getting no response from the Government on their demands, 5 of their Satyagrahis, of the age group of 85 years and above, including Shri Shambhu Dutta, the oldest of them all at 94 years old, went on Fast-unto-Death from the forenoon of 30th January 2011, the Martyrdom Anniversary of Gandhi Ji, after more than a decade long struggle against corruption (Lok Sevak Sangh: January 2011).

When they were on fast-unto-death, many eminent people visited them to show solidarity to their crusade. Later, a group called 'India Against Corruption', comprising of Swami Agnivesh, Prashant Bhushan, Kiran Bedi, Arvind Kejriwal, and others, as the video also shows, Rajinder Sachar among others¹ pleaded before Shri Shambhu Dutta and other Satyagrahis to end their Fast-unto-Death and give the struggle and responsibility to them. The Freedom Fighter, on behalf of other Satyagrahis and the Gandhian Satyagraha Brigade, agreed to give them the Gandhian struggle that he had led for more than 15 years and postponed the fast for three months until which time it expected the IAC to bring to fruition their first and one of their three demands for elimination of corruption and criminality from Indian politics.

Entry of Anna Hazare in Lokpal Movement

In 2010, following major corruption scandals, the Indian government drafted a version of a *Lokpal* bill. Many citizens and social activists considered the proposed measure weak, as it did not cover the prime minister, members of Parliament, and cabinet ministers. Dissatisfaction gave rise to a national protest movement in 2011 under the leadership of seventy four year-old Anna Hazare of Talegan Siddhi from Maharashtra. Anna's social activities as a community organizer against alcohol and ensure water access for individuals in rural areas was already acknowledged. His popularity was highlighted through his work in 2003 for advocating the Freedom of Information Act in India, which was eventually passed in 2005 (Anna Biography: 2008). He has led anticorruption protests for two decades and finally in 2011 under the banner of India Against Corruption Lok Pal movement started.

Anna and his team believed that the government's version of the *Lokpal* bill was too weak because the ombudsman it would establish could not investigate actions of elected officials. The government argued that an ombudsman was a good idea, but that it would be too powerful if it was able to investigate elected leaders (The Economist: 2011). After unsuccessful discussions and deliberations with the government among, Hazare began a hunger strike on April 5, 2011 for a stronger bill. Subsequently large protests erupted in support of Hazare. Protesters hoped to pressure the Indian government into forming a Joint Drafting Committee for a *Lokpal* bill with five ministers and five civil society members.

The protest sparked extensive discussions across news and social media about whether the bill should include the entire government. It also brought many people to the streets in support of Hazare's movement. After four days of Hazare fasting, the government agreed to form the Joint Drafting Committee which met nine times over the course of the next two months with

¹ <http://www.youtube.com/watch?v=kc5QI00ftKg>
<http://www.youtube.com/watch?v=S6rK-fLEuNA>
<http://www.youtube.com/watch?v=ujgiCHmRZOE>
<http://www.youtube.com/watch?v=QT5kB5Hm4Ys>

no substantial result. The significant differences arose between the ministers and civil society members. These differences were primarily over whom the *Lokpal* would have authority to investigate, the obstacle to earlier versions of the bill. Members were further divided after police arrested social activist Baba Ramdev and forcefully removed his supporters, who were peacefully protesting against corruption in Ramlila Maidan (a public square). However, after massive protest across the country, a strong Lokpal bill was introduced in Lok Sabha which excludes the top government officials. Subsequently it was rejected by Anna and the movement continued. Despite strong support for the movement and its ability to gain several key concessions from the Indian government, the stronger version of the *Lokpal* bill developed in August has not passed. On December 27, 2011, the *Lok Sabha*, approved the government's latest version of the bill and the demand of strong Lokpal by Anna remained a dream. However, it's always better to have a toothless tiger than not to have at all and media has been an instrumental force for a present Lok Pal prepared by the government.

Media on Lokpal Movement

It is also true that the news media, particularly, the TV channels have played a key role in keeping up the tempo. By ensuring round the clock coverage and maintaining the pitch, they have ensured that the protests occur across the country and there is a mass frenzy. Even though the channels haven't stated much about merits and demerits of the proposed institution of Lokpal or educated citizens about the implications of the ombudsman, TV and newspapers are visibly the driving force behind the anti-corruption movement.

The question is whether mainstream media helped in giving shape for a huge movement or media had no choice than establishing its credentials in a democratic set up to claim for its continuous guardian and fourth pillar status. Some scholars also believe that it was the social media which provided momentum for a huge movement that the main stream media could not ignore. As a result the subsequent intervention of electronic and print media has made the agitation into a mass movement.

Generally, public march on the streets non-violently is hardly recognized by TV news. Of course, there hasn't been a movement as vast in numbers and in geographical spread as this one. These two factors made it impossible for the media to ignore it. However, there have been fairly large local movements in recent years of poor people – tribal rallies in Chhattisgarh (December 2010); workers congregating in Delhi against price rise and unemployment (February 2011); the Tarapur to Jaitapur anti nuclear march (April 2011); the anti-POSCO movement; the resistance to Jindal Steel & Power in Chhattisgarh; the adivasis' march to Mumbai (March 2011); Medha Patkar's fast protesting against illegalities in slum redevelopment and slum demolitions (May 2011), are some of the examples. But the unexpected response to Anna Hazare's campaign by common man, forced the media to take note of it. The fact that the common men were its most articulate supporters was also a factor in media support (Punwani: 2011).

Social Media and the Lok Pal Movement

For a successful social movement to be popularized through social media it requires large parts of the population must have access to the Internet and people must be able to use the Internet and social media freely. And the same has been witnessed by the non-governmental

research organization, Freedom House that scores the Internet in India as “mostly free” in its 2011 Freedom of the Net evaluation (Freedom House: 2011). India established the Internet Technology Act in 2000, and a 2008 amendment gave the government authority to block websites and Internet content, as well as outlaw offensive or inflammatory content. As a result, in the first six months of 2011, the Indian government requested 358 removals from Google, mostly from Orkut and YouTube, the majority for content criticizing the government (PTI: 7 Dec. 2011). Although the social media is a urban centric, it has contributed in many ways. First it helped in spreading the message in many forms to many people. Secondly it compelled the mainstream media to focus on the issue also.

This is for the first time perhaps, the Indians used social media for a social movement. A huge support for India Against Corruption (IAC) and Anna Hazare, indicated on Facebook by “likes” on posts. In the first four days of its existence, IAC had 116,000 fans on its community Facebook page (IAC, Facebook Page: 2012). People created many other Facebook pages, and individual social media users debated, posted statuses, and uploaded videos and photos throughout the movement. Social media analyst Gaurav Mishra estimates that the total online support for the movement was around 1.5 million people (Kurup: 2011). Facebook hosts multiple Anna Hazare-related pages in English and Hindi, with tens of thousands of followers and supporters. The official IAC Facebook page had more than 500,000 followers as of February 7, 2012.⁴⁶ Users can follow and access information about the anticorruption movement through applications for smart phones and other mobile devices. The IAC smart phone application has as many as 50,000 users. The organization used all these outlets to publish photos of Anna Hazare fasting, pro-*Lokpal* rallies, and examples of corruption. During this social media onslaught, Hazare gained support from other prominent Indian activists, as well as the general populace.

Mainstream Media and the Lok Pal Movement

The media’s combined and mostly passionate support of mass campaigning could launch a divergent stage of Indian politics. The entry of the masses on to the stage of history is a discourse of democracy, but it is also a mediated event. Gandhiji’s Salt March was a public rally that grew and grew, combining a clip of daily life with the idea of building a new nation. Political involvement has to be anticipated as well as enacted. Collective thoughts need the work of media, human as well as technological. Grass-roots work and civic march, the press and the cinema, and, today, electronic media are all involved (Rajgopal: 2011). The Indian media reply in one of two ways to popular agitations and campaigns. Either they are a hazard to order and must be controlled by the law — or they are an expression of the national courage and must be encouraged. In the past, the English language media usually embraced the first position, and the Indian language media the second.

Anna Hazare’s is possibly the first mass movement after 1947 where English and vernacular media have come together so apparently. Thus instead of applying a completely positive or negative response to the campaigning, this time the media applied it to the observer. Thus reporting of the movement was mostly in terms of a ‘with-us-or-against-us’ approach. It should be noted however that the Hindi channels adopted a more positive attitude on the whole than the English language media, who were more critical.

Indian media have a practice of taking up popular campaigning dating back to the freedom struggle. The English media adopted the viewpoint of colonial rulers, and distrusted the civic expressions of common people, by contrast. And in post-independence era the English-language media, in their fight to stick to secular values, often found itself replicating colonial mistrust of popular sentiment.

It is now an old affair that the media remain impartial and objective, under all situations. In many cases, one may have to prefer between good and evil. But the most relevant question is, should media continue to be of the news-gatherer, observer and analyst? Or it should perform as an campaigner in its own area. Everyone would like the media to be against corruption, so when a movement like Anna's begins, one expects the media to be on that movement's side (Dharker: 2011). This movement has a different feature in terms of media's vigorous support for a social change.

The vital story of the Lok Pal agitation had been abridged to good and malevolence – with “civil society” of the Anna brand as good and the government as evil. Even if one argues that a number of of the coverage was justified, mainly after Hazare's arrest and the drama of his release that followed, when and how did the media settle on to accord the protests non-stop uncritical coverage? One of the grounds could be that the response in April to the fast had alerted news media that this was a story their mostly middle class urban viewers would follow. Television revenue is based on viewership and the middle class constitute the larger share. Over the two weeks in August that all news channels, with the exception of Doordarshan, paid attention solely on Ramlila Maidan, news viewership increased while that of sports as well as Hindi movies dropped. The increasing popularity of the movement and active participation of the media could not be endured by the government. Consequently much criticism from government machinery appeared in the newspaper and channels. Most astonishingly the statement by the Mr. Kartzu , Chairman of Press Council of India that questions the media's favoritism towards the movement.

A second reason could be that the journalists from different media belonging to the same class as those leading the anti-corruption protests had extended their vigorous support to the movement. The movement could attract the journalists and technology savvy young people. They knew how to interact with journalists; journalists knew how to transmit to them. Such a pleasing relationship was difficult with adivasis struggling for their lands, dalits fighting against segregation, north-easterners and Kashmiris demanding cancel of harsh laws or anti-nuclear agitators who oppose the imposition of a dangerous technology. On the other hand, corruption, mainly someone else's corruption, is a contented cause to support along-side “common men”. For the electronic media, this story was tailor- made – a permanent location, vivid crowds, a 74-year-old Gandhian-type personality on fast, and a movement against something as general as “corruption” that had worldwide appeal. “Team Anna” provided catchable quotes, sizeable drama, and full access at all times. In addition to this protests were concentrated in Delhi and a few big cities, with rural India represented by Anna Hazare's village, Ralegan Siddhi. Hence, even in terms of logistics, this was a simple story to cover.

Thus the media transformed an agitation into a “movement”, a small number of cities and a village into “the nation” and a compromise into a “triumph” that is even more disturbing than the degree of the coverage. Almost from the beginning, the protests had been termed “a second

freedom movement”, “August Kranti”, etc, placing them in a historical context with which they bore little likeness. Second, the magnitude of the gatherings at different places was hugely exaggerated by media treatment. Close camera shots hid the real size of the crowds while reporters used terms like “sea of humanity” rather than approximate numbers. Consequently, viewers were led to think that the numbers had grown from thousands to tens of thousands to millions. Anchors were continuously telling viewers that “never before” had so many people gathered for a protest, a blatant inaccuracy that slipped by unquestioned.

The regular repetition of terms like “nation”, “freedom struggle”, “victory” by the media improved the size and consequence of the protest. As a result, in popular imagination, the Anna-led protest 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, mostly urban expansion against corruption and for a law to curb it (EPW: 3 Sep, 2011).

Conclusion

India is a country where honesty and integrities in public and private life have been glorified and upheld in great epics such as Vedas, Upanishad and in the books and practices of every religion practiced here. Yet, India today is one of the most corrupt countries in the world. Bringing public servant and public functionaries under a scanner which makes them strictly accountable, is the start of a movement against corruption in India. And one significant step in attacking the spectrum of corruption in India will be the implementation of the Lok Pal Bill. Realizing the need of such institution with its immediate effect, A movement started by Anna Hazare with the support of other volunteers and social activists. The movement has also shown how media can effectively be used. Though the propriety regarding active participation of news media in a movement is debatable, it is true to an extent that Indian media has voluntarily become a party, a sort of participant, in this drive for Jan Lokpal Bill. There are charges that elitist media groups that are mostly anti-reservation and want to establish hegemony over institutions, are behind this movement. No wonder that the ruling party feels that this mass movement is a media creation.

The role of the media as an “institutional limb of modern democracy” was yet again amply demonstrated during the recent phase of the Jan Lokpal movement that was unprecedented in many ways. Projecting the anti-corruption Jan Lokpal movement as a second freedom struggle was nothing short of a masterstroke by Team Anna. The movement has seen all the elements of the freedom struggle — an insensitive government disconnected with the pulse of the people, a Gandhian non-violent protest with an indefinite fast, the waving of the tricolour, slogans of Jail Bharo, Inquilab Zindabad, Jai Hind and Vande Mataram and the overwhelming participation of the youth. Such was the impact that even the Indian Diaspora was inspired. Many genuinely felt that since they were not there during Mahatma Gandhi’s freedom struggle, let’s now be a part of this movement for freedom from corruption.

The massive use of social media in Lok Pal movement is a trend setter and can be seen as a successful experimentation for good cause. People can use social media content to gauge the status of a movement and to identify the goals it seeks to attain. It is true that the movement which was initiated by the social media geared up the main stream media. Main stream media did not have any alternative as the visual popularity of the movement has given a sharp rise in

TRP rating of the issue and main stream media had to depend on it because of its revenue generation. Secondly this movement had its youth based and could spread to the rural areas with huge middle class audience and viewers. Thirdly this was an occasion where media could project its role through intervention to claim for its fourth pillar status and avoid the criticism of paid news. And most importantly, people were disenchanted due to the number of scams and political corruption for last one decade and eagerly waiting for a platform to show their protest. Finally, the strategic use of media in different format by the volunteers could help in drawing the crowd manifold.

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