



A Monsoon in Delhi

Anna Hazare, the Lokpal Bill, and the Future of India

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Abstract

Political corruption in India is a perennial problem that has recently been exposed by two spectacular scandals involving the sale of telecommunications spectrum and the troubled 2010 Commonwealth Games. A disgust for this graft and corruption bred a massive protest in Delhi with a hunger strike by veteran activist Kisan Baburao “Anna” Hazare as its centerpiece. Hazare demanded the passage of a specific version of a bill that would establish an anti-corruption ombudsman called the Jan Lokpal. After Hazare had starved himself for approximately two weeks, the Indian parliament passed the legislation that Hazare had demanded. In this article, I examine the political implications of this movement, as well as whether or not the Lokpal will be effective in its mission of combating corruption.

Keywords: *Hazare, India, Lokpa Bill, corruption*



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Organized civilization has existed in India since at least 2500 B.C.E., and alongside it, one of civilization's major drawbacks: corruption. Transparency International, a global anticorruption watchdog, conducts an occasional survey to measure the perception of corruption in countries around the world. Out of 178 countries surveyed in 2010, with first place assigned to the least corrupt country, India placed 87th, a ranking that is worse than that of China, tied with Malawi, and roughly equivalent to the rank of Mexico.¹

That same year, India was rocked by two major scandals. The first involved the 2008 selling of spectrum to telecommunications firms for the construction of a second generation (2G) network. The spectrum was sold at 2001 prices and was not put up for auction. Certain firms with connections to the Telecom Regulatory Authority of India (TRAI) were able to obtain spectrum preferentially at these low prices, and other firms were denied spectrum for reasons that remained vague. All told, it is estimated that the spectrum was sold for a total of \$40 billion less than it would have been worth in the case of an auction, a loss that directly harmed the Indian treasury.²

The second major scandal involved the mishandling of the Commonwealth Games in 2010. The preparations for the event were rife with inefficiency, delays, embarrassing failures of infrastructure, unhygienic conditions, and allegations of graft. The event, projected to cost \$500 million, ultimately cost \$7.5 billion, far and away the most expensive Commonwealth Games ever held. An investigative

committee found that the costs included “\$89 rolls of toilet paper, \$61 soap dispensers, \$125 first-aid kits and treadmills rented for 45 days at a cost of \$23,080 each.”³

Corruption in India stems from several factors. First, with a very large and increasingly affluent population, many firms hope to make a good deal of money. The infrastructure in India also requires serious improvement, attracting construction contractors lured by the potential for work and money, provided that they are awarded government contracts. The high population density of India is another factor. India is home to 1.2 billion people living crowded into an area one third the size of the United States, not all of which is arable or desirable. Much of the population still lives an agrarian lifestyle. As a result, the construction of manufacturing plants and other symbols of industrialization must take place on land that is already owned and used by someone else.⁴ There is a strong incentive for the government to use the power of eminent domain to seize land from smallholders and redistribute it to the highest bidder, leading to further corruption and a sense that businesspeople and politicians form a clique held together by graft.⁵

Dissent over real and perceived corruption, which has been percolating for some time, has recently erupted in a series of large-scale demonstrations. The most recent iteration of protests has been led by Kisan Baburao Hazare, known as “Anna” or “elder brother” in Marathi.⁶ Hazare, a veteran activist, staged a hunger strike in Delhi in August 2011, demanding that the Indian government pass a particular draft of a law establishing an anti-corruption ombudsman known as a Lokpal. Specifically, Hazare demanded that the Lokpal be able to hold all parts of the government accountable for corruption, including the prime minister and the Supreme Court. As noted in *The Economist*, since the Lokpal would be politically independent, it could become “a powerful new arm of the state.”⁷ Hazare's version of the Lokpal gives the agency broad policing and prosecutorial powers. The government initially responded with a Lokpal that lacked authority over the prime minister or the Supreme Court and would only be allotted advisory powers.⁸ Hazare, unsatisfied with the

government measure, vowed to carry out an indefinite fast in April of 2011.⁹ The government agreed to pass the Lokpal Bill, but did not move quickly enough for Hazare: in June 2011, he promised to begin fasting again on August 16th if the bill was not passed by that date. Hazare was backed by thousands of Indians who gathered in Delhi in the midst of a near-carnival atmosphere. The protests were widely covered in the popular press and were a major point of discussion for many Indians. Despite his arrest in early August, Hazare's hunger strike was successful, and the Lokpal Bill was passed in August in the version demanded by the protestors.

The Jan Lokpal Bill aims to accomplish several things. First, it creates an independent anti-corruption ombudsman with the power to investigate and prosecute corruption at any level. Appointments to the Lokpal are intended to be independent of politics, thus preventing corruption of the body itself. The national Lokpal would be supported by branches at the state level. The Lokpal could initiate proceedings either following the complaints of citizens or on its own. Those proceedings, as well as other decisions made by the body, would be posted to the Internet, resulting in transparent proceedings. Trials would be completed within two years, and whistleblowers would be protected by the Lokpal.¹⁰ The Lokpal has sweeping powers to investigate and punish corruption, including the dismissal of government workers; to blacklist firms; to issue search warrants; to subpoena witnesses; and to imprison the convicted for terms ranging from seven years to life imprisonment. However, section 17

suggests that the Lokpal is the corruption body of last resort, except in the case of whistleblower complaints.¹¹

With India having greater influence on the world stage both politically and economically, it is important to study Anna Hazare's movement and its potential impact on the country's future. I will examine two issues. First, I will examine the political implications of the movement. Second, I will discuss the Lokpal and its effectiveness as a government body.

The political consequences of the Hazare movement are complex. It is fairly clear that the ruling United Progressive Alliance, led by the Indian National Congress Party (commonly known as "Congress") has suffered considerable political damage, as many observers believed it handled Hazare's protests ineptly. The government also seriously miscalculated by ordering Hazare's arrest in August before the fast began, garnering sympathy for the activist.¹² The protests came at a particularly bad time for the government, which was already facing increased public anger over inflation and slowing economic growth in addition to the telecommunications and Commonwealth Games scandals.¹³ With the



Anna Hazare

Artwork: Karen Lue

government politically weaker, the possibility for the opposing National Democratic Alliance, led by the Bharatiya Janata Party (BJP), to benefit from the government's discomfort remains. If the BJP were able to exploit the protests for political gain and translate such gain into lasting political power, it would lead to a major realignment of the Indian political scene. With only brief interruptions, Congress has been the party in power since India's independence in 1947.¹⁴ The

policies pursued by the BJP have the potential to be considerably different, as it is avowedly a Hindu nationalist party¹⁵ and particularly distrustful of Islam¹⁶ as well as aspects of Western society.¹⁷ This may result in further strain on India's already delicate relations with Pakistan. Furthermore, with Anna Hazare able to drum up large crowds, it is also essential to ask whether his movement will become a new force in Indian politics as a new political party or as something else entirely.

It appears that the BJP has derived a certain measure of benefit from recent developments. In May 2011, the BJP did poorly in five state elections; yet on September 4, 2011, a poll found that the party was a full 13 points ahead of Congress. Other factors, such as the party's gains in polls in upcoming elections in Uttar Pradesh, suggest that the BJP is in a much stronger position than it was before the protests began.¹⁸

However, the BJP has serious electoral liabilities. It is unclear who really leads the party, as well as who would become prime minister in the event of a BJP electoral victory. The main contenders for leadership espouse different values, making it hard for voters to predict the shape of a BJP-led government. Furthermore, political infighting between L.K. Advani and Narendra Modi, prominent figures in the BJP who would be two major contenders for the office of Prime Minister, has broken out, meaning that over the next few months, the BJP may be preoccupied with internal discord and thus be less able to exploit the disarray of Congress.¹⁹ The BJP faced a large corruption scandal of its own earlier in the year, making it harder for it to position itself as the opponent of corruption.²⁰ Furthermore, the BJP still has strong overtones of Hindu nationalism, which spooks liberals, Muslims, and lower-caste Hindus.²¹

Ironically, Congress suggested that Hazare and his followers are dupes of the BJP.²² By attempting to draw this connection, it is fair to conclude that Congress is betting on two assumptions: that too close an attachment to the BJP will minimize Hazare's impact, and that too close an attachment to Hazare will damage the BJP's electoral chances. Final evidence of the BJP being unable to exploit the disarray of

Congress comes from the actions of the BJP itself in the wake of the Hazare movement; while Advani called for snap elections, the rest of the BJP hastily backtracked. This suggests that the BJP was not at all certain of winning a general election at precisely the moment they would be expected to feel confident of doing so.²³ Given the other handicaps that the BJP faces, as well as the fact that parliamentary elections are not due until 2014, it appears that Anna Hazare's movement is unlikely to confer many benefits to the main opposition party.

A more dramatic realignment of Indian politics might happen were Hazare to create a national political party of his own. Hazare himself says, "I will support [anti-graft political parties] but not lead them as I am an ordinary man. The good people of all parties can come together and I will tell the people of the country to support them."²⁴ More cynical observers, such as Professor Narendar Pani of the National Institute of Advanced Studies in Bangalore, argue Hazare has realized that avoiding political stumping means he can both claim to be above politics and claim to speak for all of India, without the burden of facing the voters who could potentially disprove this assertion. Finally, Pani holds that keeping the movement away from politics prevents the movement from being punished at the polls and losing credibility.²⁵ It appears that Hazare is more likely to back political parties than start one of his own. Indeed, as of October, he has already thrown his weight behind a new party contesting local elections in the Bundelkhand region.²⁶

It appears that for the time being, Hazare is content to remain outside of formal politics. How long his influence will endure, however, is an open question. Although he is treated reverentially by many, there are some who decry his methods and aims. The 2011 fast is not the first time Hazare promised to starve himself to death in order to have legislation passed. Hazare's website notes that he decided to fast in Mumbai starting on August 9, 2003, in support of a freedom of information act for the state of Maharashtra.²⁷ The act of public hunger strikes may appear to be a form of extortion, particularly in a nation where the government is democratically elected. Muslims worry about the

Hindu nationalist tinge of the movement. Dalits are also concerned that if massive street protests can lead the government to act, such protests might lead to the erosion of constitutional guarantees of employment from those of the lowest castes.²⁸ Urban elites, who decry government corruption and would make natural allies, are put off by the tactics of the Hazare movement. Some of Hazare's views are extreme: he has suggested hanging corrupt officials.²⁹

Finally, as Hazare is 74 years old, there is the question of whether his movement will outlive him. His movement appears to be partially a cult of personality, with an aide claiming "Anna is India. India is Anna" and Hazare appearing at times "more like a televangelist than an activist" in the words of the Delhi correspondent for the BBC.³⁰ Akshaya Mishra, a journalist, notes that supporters of Anna Hazare have many different motives, from removing the government to expressing general disgust with politicians as a whole.³¹ Without a political organization bearing his stamp and without a broad and national appeal, it is quite possible that the Hazare movement will fade into obscurity or divide into different fractious groups. Another political activist by the name of Swami Ramdev seemed to command an unstoppable political following in June 2011, also using hunger strikes to protest corruption. By mid-June, however, his name was mentioned only in passing by the Indian press. Now that the Lokpal has been established in the form Hazare demanded, it is possible that Hazare may sink into irrelevance.

No matter what Indians think of Hazare personally, the Lokpal Bill itself is hugely popular: *The Christian Science Monitor* reports that 87 percent of Indians supported the bill, albeit cautioning that such a survey might not be representative of rural India where surveys are difficult to conduct.³² The supporters of the bill say that the independence of the Lokpal will ensure that wrongdoers are swiftly and surely punished regardless of party affiliation. The speed and dispatch of Lokpal proceedings would be a particular selling point, as the Indian court system is notoriously slow.³³

Opponents of the Lokpal Bill in the form it was passed fear that the Lokpal organization might simply be too powerful. Nikhil Dey, an activist who supported a freedom of information act for India, worries that the Lokpal could end up serving as prosecutor, judge and jury, trampling rights to due process and separation of powers. Other critics of the Lokpal mention that it would be difficult to root out corruption in the Lokpal itself, as removing an official requires a Supreme Court inquiry and officials are named by political leaders rather than voters.³⁴ If many

The Jan Lokpal Bill 2011

Key Elements in the Civil Society Version

Purpose

"A Bill to establish an independent authority to investigate offences under the Prevention of Corruption Act, 1988 to detect corruption by expeditious investigation and to prosecute offenders and to ensure timely redressal of certain types of public grievances and to provide protection to whistleblowers."

Composition of Lokpal

"The Lokpal shall consist of a Chairperson and 10 other members and various members under them at different levels." – Chapter II, Clause 2

Functions of Lokpal

"The Lokpal shall: ... exercise superintendence over the investigation of offences involving any act of corruption ... [and] impose punishment of dismissal, removal or reduction in rank against government servants." – Chapter III, Clause 6

Punishment against Corrupt Public Servants

"For any act of corruption, the punishment shall not be less than six months of rigorous imprisonment and may extend up to imprisonment for life." - Chapter XII, Clause 23

Source: IBNLive

corruption claims are filed or the Lokpal is understaffed, it is quite possible that the Lokpal could become as slow and ponderous an organization as the Indian courts. Finally, some parts of the bill's implementation are likely to present difficulties, as the bill calls for rearranging and integrating the Central Bureau of Investigation (CBI) and Central Vigilance Commissioner (CVC) into the Lokpal. Both agencies publically oppose these changes, and it is possible that an unhelpful turf war between the three organizations may occur in the near future. Worse, if the CBI is not brought into the Lokpal, a new investigative wing of the Lokpal will have to be started from scratch, meaning that it might be some time before the Lokpal is truly effective.³⁵ With the public likely to expect quick results, any delay in the implementation of the Lokpal Bill would only damage the popularity of the new anti-corruption body.

The methods used to extract the Lokpal Bill, while theatrical, do not appear to pose a grave threat to Indian democracy. Indeed, the demonstrations were largely peaceful, and if they did not in some way represent the will of the people, the government could have ignored them entirely. The damage to the government's reputation as a result of its vacillation over the bill and the immense popularity of the bill itself among Indians also suggest that the central objective of the protests was shared by a hefty majority of the populace. By backing a political party, or vowing to back particular political parties, it would appear that Hazare does not reject democracy, as some have feared. For the time being, it appears that Hazare's movement is not an especial threat to Indian democracy.

When a serious problem dominates the attention of the body politic, there is often a demand for radical solutions or powerful bodies to end the particular problem. In the case of corruption in India, a segment of the public responded with a call for an independent anti-corruption agency. Under pressure from theatrical protests involving a fast on the part of Anna Hazare and several of his followers, the Indian government has created a powerful anti-corruption ombudsman, the Jan Lokpal. The political implications of this are not as defined as was expected, but it appears

that a new political party is unlikely to be created as a result. It is also less than clear as to whether Hazare can retain his political influence. Despite the Congress-led government having been seriously damaged by the protests and other scandals, the main opposition has been unable to derive much benefit politically. The government, although weakened, is unlikely to collapse as a result of this one protest movement. The anti-corruption body itself may be well-intentioned and likely to be effective in its primary task of rooting out corruption, but it still faces serious questions about the separation and abuse of power that are not convincingly answered by the arguments of the bill's backers. The ultimate proof will come in the next few years: will India rise in the Transparency International rankings? Or will it be stuck in the same position, only now with a large, powerful, ineffective and potentially dangerous new bureaucracy?

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