



The Summer of Discontent: How the 'India Against Corruption' Movement Unfolded

Case A: The Beginning

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Synopsis: This case describes the beginning of the India Against Corruption (IAC) movement. As a series of alleged corruption scandals came to light in 2010, Arvind Kejriwal saw an environment that was ripe for an anti-corruption movement. He formed a team under the leadership of Anna Hazare, known as IAC, to pressurize the government into enacting a strong Lokpal (Public Ombudsman) Bill. The hunger strike staged by Anna to flag this issue drew massive public support, to the surprise of IAC itself, and forced the government into creating a joint-drafting committee for the Lokpal Bill – the committee comprised of five representatives from the government and five from IAC, including Anna and Kejriwal.

Though IAC had been successful in getting representation in the official joint-drafting committee, the privilege came with the danger of constant media spotlight. The deliberations of the committee also proved to be tough as the government reportedly accepted less than a dozen items from IAC's 71-point agenda. The committee failed to reach consensus and IAC threatened to begin another hunger strike if a 'strong' Lokpal Bill was not introduced in Parliament. As the government formulated its strategy to deal with the second round of protest, the Prime Minister announced that he did not have a magic wand to deal with corruption.

A culture of corruption

A series of alleged corruption scams embarrassed the Indian government in 2010 and raised questions about how Prime Minister Manmohan Singh, known for his personal integrity, could preside over a government that was mired in a culture of corruption. The government denied the allegations of corruption and set up a parliamentary inquiry to look into the same. In a further embarrassment to PM Singh, in March 2011, the apex court of the country overturned the appointment of the head of India's anti-corruption watchdog on the grounds that he himself faced corruption charges. Singh had chaired the committee that cleared his appointment in spite of protests by the Bharatiya Janata Party (BJP), the principal opposition party.

A report by Global Financial Integrity, a US-based group, estimated that India had lost over USD 460 billion (16.6% of its GDP) since independence due to illegal funnelling of wealth overseas. The report claimed that this had widened inequality in India. A study by KPMG suggested that corruption was a huge cost to the Indian economy and threatened to derail growth. It is not about petty bribes any more, but scams to the tune of thousands of crores that highlight a political/industry nexus, the study said.

Arvind Kejriwal, a social activist from Delhi, saw this environment as an opportunity to mobilise public opinion and force the government into taking strong action to tackle corruption.

¹ "India activist Anna Hazare anti-graft fast stokes anger," *BBC News*, April 7, 2011. http://www.bbc.co.uk/news/world-south-asia-12994855.

² "India anti-corruption chief PJ Thomas forced to resign," *BBC News*, March 3, 2011. http://www.bbc.co.uk/news/world-south-asia-12631887.

³ "P J Thomas Sworn-in as CVC as BJP Protests," *Outlook*, September 07, 2010. http://news.outlookindia.com/items.aspx?artid=692695.

⁴ "India lost \$462bn in illegal capital flows, says report," *BBC News*, November 18, 2010. http://www.bbc.co.uk/news/world-south-asia-11782795.

⁵ "Corruption 'threatens India's economic growth,' "BBC News, March 15, 2010. http://www.bbc.co.uk/news/world-south-asia-12740213.

⁶ One crore is equal to 10 million.

A man in a hurry

Kejriwal was born in 1968 to a middle-class family in the state of Haryana. A graduate of the prestigious Indian Institute of Technology (IIT), he had joined the Indian Revenue Services (IRS) as a bureaucrat (he had actually wanted to join the police), where he grew increasingly uneasily in a 'culture of corruption'. A former batch mate described Kejriwal as a calm officer who would spend most of his time alone, which "many officers didn't like." In 2000, Kejriwal secretly started Parivartan (meaning 'change'), a nonprofit organisation which aimed to increase transparency in governance. Soon after this, he took a sabbatical from IRS and devoted himself fulltime to Parivartan. "If someone makes a mistake," a co-worker said of Kejriwal, "his only scolding will be, 'I'll do it myself." Kejriwal also spoke often of "Gandhi's mobilisation tactics and the need for self-restraint" as strategies for change.

On hearing about the Right to Information (RTI) campaign that was being waged by the National Council for People's Right to Information (NCPRI), Kejriwal expressed his desire to volunteer for the organization. "He looked so impatient—he reminded me of my younger days, when there was nothing I wanted more than a benign dictatorship in this country," a founding member of the group recalled. Kejriwal's work with NCPRI won him much acclaim. In 2006, he was awarded the Ramon Magsaysay Award, often described as Asia's Nobel Prize, for "activating India's right-to-information movement at the grassroots" and empowering citizens to fight corruption.

Though the campaign for a national RTI Act had been very successful, Kejriwal was disappointed by the ground reality. On studying the data on RTI implementation, he concluded that "politicians and bureaucrats had found new methods to hide information." Even when citizens obtained sufficient information to uncover corruption, the guilty often managed to evade punishment and cases of harassment and violence against RTI activists increased – at least 10 of them had been murdered by 2010. Stronger enforcement was required to force corrupt politicians to punish their own, he felt.

Kejriwal was appointed as the head of a five-member NCPRI committee to draft the Lokpal (Public Ombudsman) Bill in early September 2010. The bill aimed to create an independent body with powers to investigate, prosecute, and, if required, judge public servants involved in cases of corruption. India had a bicameral legislature consisting of the Upper House (Rajya Sabha) and the Lower House (Lok Sabha) of Parliament. In order to be enacted, an ordinary bill had to be introduced on the floor of the House by a Member of Parliament (MP) and passed by a simple majority in each House. ¹¹ While the ruling coalition had a majority in the Lower House, it did not enjoy a majority in the Upper House.

Differences of opinion soon emerged within the NCPRI committee on the finer points of the Lokpal bill. Kejriwal, for instance, wanted to include the judiciary into the bill. A senior member of the NCPRI who sat on the drafting committee later said of Kejriwal, "We told

⁹ Ibid.

⁷ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011. http://caravanmagazine.in/reportage/insurgent.

⁸ Ibid.

¹⁰ Ibid.

¹¹ The civil society could play a consultative role in this process by providing feedback on the official version of a bill and putting forward its own version of the bill for wider discussion.

him, let's not mix up everything in one bill, and he would say 'I will take it into consideration.' But he never did, which means he had his own plans, and he knew exactly what he was doing." ¹²

Subsequently, Kejriwal formed a small team of like-minded people to work on his draft of the Lokpal Bill. This team included Prashant Bhushan, Shanti Bhushan, Kiran Bedi, and Santosh Hedge. Prashant Bhusan was a practicing advocate in the Supreme Court as well as a social activist. Shanti Bhushan, Prashant Bhushan's father, was a former Union Law Minister who had first proposed the idea of a Lokpal in a bill submitted to Parliament way back in 1968. Kiran Bedi was a Ramon Magsaysay Award-winning police officer-turned-activist, and Santosh Hegde was a retired judge of the Supreme Court of India and the Lokayukta (Ombudsman) for the state of Karnataka. Was just trying to find people who were known for fighting corruption, Kejriwal told a reporter.

In November 2010, Kejriwal organized a joint anti-corruption rally with Baba Ramdev, a yoga guru and 'Ayurvedic tycoon' with an enormous national and international following. Ramdev had earlier floated plans to launch a political party and had been vocal on the issue of 'black money.' At the rally, which was attended by thousands of Ramdev's supporters, people listened with rapt attention as Kejriwal criticized the government for massive corruption and spoke about the need for a law that would be effective in tackling the issue. 17

In an interview, Kejriwal explained that though cultural causes underpinned corruption, including "greed and the downfall of moral values", it was becoming more prevalent in the administration as it was a "zero risk... high profit business." A system of adequate deterrence was required to check this trend, and "the Lokpal is that right system." A good system was needed to prevent bad people from committing fraud, the magazine said while summarizing his approach.

Meanwhile, Kejriwal was looking for a face for a movement that he was plotting.

The Gandhi of Maharashtra

One person who caught Kejriwal's attention was 'Anna' Kisan Baburao Hazare. Born in 1937 in the state of Maharashtra, Anna had served the Indian Army for 15 years before retiring to take up social work. ¹⁹ His work on drought relief and his efforts to create a sustainable Gandhian 'model village' won him the Padma Bhushan, the third highest civilian award conferred by the Republic of India, in 1992. ²⁰

Anna was actively involved in anti-corruption agitations in Maharashtra. By the 1990s, he had begun staging hunger strikes in the state to oust public officials involved in corruption.

¹³ The Lokpal Bill had been unsuccessfully introduced 10 times in the Parliament since 1968.

¹² Ibid.

¹⁴ As India is a federation, each state may create the institution of Lokayukta by enacting a suitable state law.

¹⁵ Ibid.

¹⁶ The term 'black money' referred to money outside the formal financial system which included ill-gotten gains through corruption and tax evasion.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Yardley, Jim. "Unlikely Echo of Gandhi Inspires Indians to Act," *The New York Times*, August 18, 2011. http://www.nytimes.com/2011/08/19/world/asia/19hazare.html.

During this time, it was alleged that money from one of his trusts had been improperly spent on his birthday celebration. Though a subsequent government-appointed commission concurred with this, Anna was never implicated in any personal corruption. In early 2000s, Anna had also led the movement that forced the Government of Maharashtra into enacting the RTI Act in the state. 22

Anna was among the signatories when a group of people called 'India Against Corruption' (IAC) sent a draft of its Lokpal Bill to the Prime Minister. The letter demanded a "total overhaul of the anti-corruption delivery system." When the government did not respond to the letter, Kejriwal met Anna to plan a fast-unto-death that Anna would stage in April. The date was selected such that the fast did not interfere with India's cricketing calendar and the starting day was chosen to allow the fast to continue through Saturday – both to encourage the participation of the middle class. Before leaving, Kejriwal reportedly told Anna, "Instead of the Gandhi of Maharashtra, we'll make you the Gandhi of India."

A victory for the people

On April 5, 2011, Anna began his fast-unto-death to push for a joint drafting committee for the Lokpal Bill. He demanded that the committee comprise of an equal number of government officials and civil society members. ²⁵ In a strongly-worded letter, Anna asked the Prime Minister to "show courage" in fighting corruption and criticized the presence of ministers facing allegations of sleaze on the government corruption panel. ²⁶

Though only about 500 people gathered on the first day of the fast, the media showed an active interest in the movement, with one TV channel deploying five crews to provide 24-hour coverage and another creating a news campaign out of the movement. ²⁷ ²⁸ The protest drew very large support the next day, much to the surprise of IAC as well. ²⁹ Forty-two news broadcast vans were reportedly present at the venue on the third day of the fast. ³⁰

Kejriwal had initially sought the support of Ramdev to mobilize people for the protest. However, as Ramdev had close political ties, the government alleged that opposition parties were behind the movement. To preserve the credibility of IAC's 'apolitical' line, Kejriwal decided to maintain a distance from Ramdev during the protest. A supporter of Ramdev allegedly said of Kejriwal, "He smartly used our platform and then turned his back at a

²¹ Ibid.

²² Right to Information, Anna Hazare: A man behind RTI revolution, last accessed June 25, 2013. http://www.annahazare.org/rti.html.

²³ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent.

²⁴ İbid.

²⁵ "Anna Hazare on indefinite fast over stronger Lokpal Bill," *Hindustan Times*, April 05, 2011. http://www.hindustantimes.com/.

²⁶ "India activist Anna Hazare anti-graft fast stokes anger," *BBC News*, April 7, 2011. http://www.bbc.co.uk/news/world-south-asia-12994855.

²⁷ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent.

²⁸ Bhatia, Rahul. "Fast and Furious: The turbulent reign of Arnab Goswami," *The Caravan*, December 01, 2012. http://www.caravanmagazine.in/reportage/fast-and-furious.

²⁹ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://carayanmagazine.in/reportage/insurgent

³⁰ Bhatia, Rahul. "Fast and Furious: The turbulent reign of Arnab Goswami," *The Caravan*, December 01, 2012. http://www.caravanmagazine.in/reportage/fast-and-furious.

crucial time."³¹ Social activists also complained that Kejriwal had side-lined them in favour of celebrity gurus like Ramdev.

The fast was generating the response that IAC had hoped. While Anna engaged the crowd "with patriotic songs and irreverent jokes about politicians", Kejriwal handled the operations of the campaign, including media briefs, press releases, and negotiations with the government.³² As the stand-off continued, a senior minister quit the government panel after Anna criticised him over allegations of corruption.³³

As the fast entered its fourth day amidst non-stop media coverage, the government was under increasing pressure to diffuse the situation. After haggling unsuccessfully, the government agreed to IAC's demand to setup a Lokpal drafting committee comprising 10 people of whom five were to be chosen by Anna. The first meeting of the committee was scheduled within a fortnight. Anna called off the fast and Kejriwal announced "a victory for the people of India."³⁴

The negotiation table

The celebration, however, did not last long. Anna chose himself, Kejriwal, Prashant and Shanti Bhushan, and Santosh Hegde to represent the civil society. The inclusion of both the Bhushans was criticized by both Ramdev and the BJP. A charge was also levelled against Shanti Bhushan for undervaluing a property he had purchased, to reduce his tax liability. A CD purported to contain a conversation between Shanti Bhushan and the leaders of a strong regional party was also leaked to the media. The Bhushans, who were heard discussing the possibility of bribing a judge in the conversation, refuted the allegations as fabricated and the CD as doctored. A

Even before the committee could meet, the media reported a senior minister on the Lokpal committee as having said that the bill would do little to improve education, health, and civic issues – a statement which he later denied having made. Anna, in turn, suggested that the minister should resign from the committee if he thought the bill would not create an impact.³⁷ Congress, the principal party in the coalition government, also rejected a demand by IAC to videograph the proceedings of the committee. "Such procedures and rules and preconditions, which would inhibit candid discussions, can never be allowed," a party spokesperson said.³⁸

³³ "India activist Anna Hazare anti-graft fast stokes anger," *BBC News*, April 7, 2011. http://www.bbc.co.uk/news/world-south-asia-12994855.

³¹ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011. http://caravanmagazine.in/reportage/insurgent.

³² Ibid

³⁴ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011. http://caravanmagazine.in/reportage/insurgent.

³⁵ "BJP attacks Anna over inclusion of Bhushan father-son in panel," *OneIndia News*, April 11, 2011. http://news.oneindia.in/2011/04/11/bjpattacks-anna-over-inclusion-of-bhushan-father-son-inpan-aid0126.html. ³⁶ "Amar Singh tapes suggest Shanti Bhushan CD was doctored," *NDTV*, May 12, 2011.

http://www.ndtv.com/article/india/amar-singh-tapes-suggest-shanti-bhushan-cd-was-doctored-105280. ³⁷ Joshi, Sandeep. "Quit panel if you see no merit in Bill, Hazare tells Sibal," *The Hindu*, April 11, 2011. http://www.thehindu.com/.

³⁸ Dhar, Aarti. "Congress rejects demand for videographing proceedings," *The Hindu*, April 11, 2011. http://www.thehindu.com/news/congress-rejects-demand-for-videographing-proceedings/article1688750.ece.

A remark made by Anna in praise of the leadership of Narendra Modi,³⁹ the Chief Minister of Gujarat who had been accused of backing the 2002 communal riots in the state, drew flak even from his supporters.⁴⁰ Though Anna is said to have retracted the comments later, several activists questioned his secular credentials and political neutrality.^{41 42} Incidentally, Narendra Modi was also seen as averse to appointing a Lokayukta (the equivalent of the Lokpal at the state level) for Gujarat.⁴³

Anna retorted that a handful of people were trying to create a rift in the civil society by spreading disinformation and raking up issues that will "distract attention from the fight against corruption towards individuals and extraneous matters." ⁴⁴ Shifting the focus to corruption, he appealed to all parties to unite in the creation of a strong Lokpal Bill. IAC said that it would request the government to place the bill in public domain for wider consultation on the issue.

The discussions of the joint-drafting committee did not proceed to the satisfaction of IAC. Kejriwal and the ministers did not see eye-to-eye even on the media briefing for these discussions. Prashant Bhushan narrated, "Inside, the ministers would tell him, 'In public you should say the meetings are going well,' but he wouldn't listen to them. He would come out and brief the media about everything that was discussed inside." The ministers said that both the government's draft as well as the civil society's draft would be sent to the Cabinet if consensus did not emerge.

Divided they stand

On June 9, IAC participated in a one-day fast to protest against a police raid that had been conducted on a camp organized by Ramdev. Here, the crowd was not limited to the urban middle class and had a higher representation of rural folk who were demonstrating against the treatment meted out to the yoga guru. ⁴⁶ At the event, Anna warned that he would start another agitation if the government did not enact a strong Lokpal Bill by August 15. He also ruled out any compromise on bringing the Prime Minister, the higher judiciary, and the conduct of MPs inside Parliament, within the Lokpal's jurisdiction. ⁴⁷

³⁹ "Anna Hazare praises Narendra Modi, Nitish Kumar; asks CMs to emulate them," *DNA*, April 10, 2011. http://www.dnaindia.com/.

⁴⁰ "Hazare now sees 'ghotala' in Gandhi's Gujarat," *The Times of India*, May 27, 2011. http://articles.timesofindia.indiatimes.com/.

⁴¹ "Activists want Anna Hazare to rethink Narendra Modi praise," *The Indian Express*, April 16, 2011. http://www.indianexpress.com/news/activists-want-anna-hazare-to-rethink-narendra-modi-praise/775124/0.

⁴² "Supporters turn critics, attack Modi-fan Anna," *National Alliance of People's Movements*, April 13, 2011. http://napm-india.org/node/295.

⁴³ Dasgupta, Manas. "Hazare: Gujarat is a 'land of scams,' more liquor than milk flows in the State," *The Hindu*, May 27, 2011.

http://www.thehindu.com/.

⁴⁴ Dhar, Aarti. "Handful of people want to break up our collective power, says Anna Hazare," *The Hindu*, April 13, 2011.

http://www.thehindu.com/.

⁴⁵ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent

⁴⁶ "Anna Hazare sets Aug 15 deadline for Lokpal Bill," *The Times of India*, June 09, 2011. http://articles.timesofindia.indiatimes.com/.

⁴⁷ Ibid.

After nine rounds of talks, the joint-drafting committee failed to reach consensus and the negotiations ended in deadlock on June 22. Kejriwal said that the ministers, who had accepted less than a dozen items from their 71-point agenda, were "killing the baby before the baby was born." IAC also described the bill that the government was planning to introduce in Parliament as "Jokepal". 48 Following this, Anna wrote a letter to the Prime Minister arguing that none of the scams that had come to light in the past year would fall under the purview of the Lokpal Bill proposed by the government. He urged the Prime Minister to show sincerity in removing corruption by incorporating suggestions made by the civil society into the bill. 49 IAC also sought the support of other political parties for the passage of the bill.⁵⁰

A reporter captured the internal dynamic of IAC during an interview:⁵¹

As the food was served, [Anna] Hazare emerged from his bedroom... and turned toward Kejriwal. 'I shouldn't have praised Nitish Kumar—I think Lalu will not support us now,' Hazare said, referring to the legendarily corrupt former Bihar chief minister.

'OK,' Kejriwal said, almost shouting Hazare down. 'We'll talk about it some other time.' Hazare didn't speak another word after that, eating his plate of rice and dal in silence.

Meanwhile, NCPRI put forward its own draft of the Lokpal Bill with an elaboration of the shortcomings in IAC's draft. NCPRI argued that IAC's draft sought to address both high corruption and grievance redressal related to government services at the same time, though these were different issues and required different approaches. It also favoured the separation of judicial accountability and protection for whistle-blowers from the Lokpal Bill.⁵² Though the motives and timing of this action may have been questionable, given NCPRI's proximity to the ruling Congress party, "that does not take away from the validity of the points they are raising," a magazine said.⁵³

No magic wand

On August 2, Sonia Gandhi, the President of the Congress, left the country for treatment of an undisclosed ailment. She had accepted the leadership of the party in 1997, after having refused it in 1991 and 1995, to rescue the party from "a crisis of survival." Though she was widely tipped to become India's Prime minister in 2004, she had declined the post and had

⁴⁸ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent

⁴⁹ "Anna Hazare warns of fast unto death from Aug 16," *Business Standard*, July 19, 2011. http://www.business-standard.com/india/news/anna-hazare-warnsfast-unto-deathaug-16/443215/.

⁵⁰ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent.

⁵¹ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011. http://caravanmagazine.in/reportage/insurgent.

⁵² Bal, Hartosh Singh. "Lokpal Lessons," *Open*, July 09, 2011. http://www.openthemagazine.com/article/voices/lokpal-lessons.

⁵³ Ibid.

⁵⁴ Jha, Dhirendra K. "The Importance of Being Sonia," *Open*, September 17, 2011. http://www.openthemagazine.com/article/nation/the-importance-of-being-sonia.

instead nominated Manmohan Singh for it. ⁵⁵ ⁵⁶ A senior Congress leader described her as a conductor in whose absence "the orchestra [party] lapses into cacophony." ⁵⁷

As Anna's deadline drew closer, a Congress spokesperson described the movement as the work of "armchair fascists, overground Maoists, closet anarchists... funded by invisible donors whose links may go back a long way abroad." Another Congress spokesperson, while addressing the media on August 14, alleged that Anna was "neck deep in corruption" and needed to be "shown his place." The spokesperson also accused Anna of deserting the army, a charge that was later proved incorrect by an RTI response.

With no compromise in sight, the likelihood of a showdown became evident. The government, which had conferred legitimacy on IAC in the first place, appeared to be "nervously fumbling for a strategy to turn public opinion back in its favour." When Anna applied for permission to stage an indefinite fast, the police placed 22 conditions for their consent, which included a three-day limit to the fast and a cap of 5,000 protesters at the venue at any given time. IAC contested these conditions as a violation of the constitutional right to protest and vowed to fast regardless. "Permission or not, we'll sit," Kejriwal said on August 14 64

On the morning of India's Independence Day (August 15), as per custom, the Prime Minister addressed the nation from the Red Fort in Delhi. He devoted nearly a quarter of his speech to the Lokpal debate, calling corruption "a difficulty for which no government has a magic wand." 65 66

⁵⁵ Singh, considered an outsider within the party, was regarded as the architect of India's economic liberalization for his role as the Finance Minister in a Congress-led government from 1991-96.

⁵⁶ Ibid.57 Ibid.

⁵⁸ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent

⁵⁹ Jha, Dhirendra K. "The Importance of Being Sonia," *Open*, September 17, 2011.

http://www.openthemagazine.com/article/nation/the-importance-of-being-sonia.

⁶⁰ "Anna didn't desert Army: RTI," *The Times of India*, August 21, 2011.

 $http://articles.timesofindia.indiatimes.com/2011-08-21/india/29911427_1_anna-hazare-rti-activist-indian-army. \\$

⁶² Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent

⁶³ Yardley, Jim. "Leader of Corruption Protest Arrested in India," *The New York Times*, August 16, 2011. http://www.nytimes.com/2011/08/17/world/asia/17india.html.

⁶⁴ Jeelani, Mehboob. "The Insurgent," *The Caravan*, September 01, 2011.

http://caravanmagazine.in/reportage/insurgent.

⁶⁵ Jose, Vinod K. "Falling Man," *The Caravan*, October 01, 2011.

http://caravanmagazine.in/reportage/falling-man.

⁶⁶ Bhatia, Rahul. "Fast and Furious: The turbulent reign of Arnab Goswami," *The Caravan*, December 01, 2012. http://www.caravanmagazine.in/reportage/fast-and-furious.