

## **The Summer of Discontent: How the ‘India Against Corruption’ Movement Unfolded**

### **Case C: History Repeats Itself**

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This case has been written by Nihit Goyal under the guidance of Dr. Jonathan Marshall, Assistant Professor, Lee Kuan Yew School of Public Policy (LKY School), National University of Singapore and has been funded by the LKY School. The case does not reflect the views of the sponsoring organization, or any other organization with whom the author is associated, nor is it intended to suggest correct or incorrect handling of the situation depicted. The case is not intended to serve as a primary source of data and is meant solely for class discussion.

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*Synopsis: 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 India Against Corruption (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 protests, the Prime Minister announced that he did not have a magic wand to deal with corruption.*

*However, the government's strategy of dealing with the second round of protests by IAC backfired. Anna and Kejriwal were arrested before they began their fast. IAC took full advantage of the situation and used the news and social media to mobilize public opinion against the government. Anna began his fast-unto-death inside prison while the government, on the back foot now, attempted to bring things under control. After days of negotiations, Anna ended his fast when the parliament passed a non-binding resolution to incorporate his key demands into the Lokpal Bill. In his speech, Anna called on his supporters to continue the struggle for change.*

*This case follows the India Against Corruption (IAC) movement's quest to incorporate the non-binding 'sense of the house' resolution into the final version of the Lokpal Bill. Once the situation was diffused, the government fought back with measures that were termed as "repressive" and "vindictive". IAC announced that it would launch an electoral campaign against the government if the latter were to go back on its commitment of enacting a strong Lokpal Bill. However, this move brought differences within IAC to the fore and possibly gave other political parties a reason to work against the bill. The bill eventually tabled by the government in Parliament faced criticism from several quarters for being weak and unconstitutional. Yet, the IAC protest did not draw much crowd on this occasion and the hunger strike was cancelled midway. Though the bill was cleared by the Lower House of Parliament, it failed to pass through the Upper House and thus could not be enacted.*

### **Under attack**

Soon after the hunger strike was called off, a former minister cautioned, "We cannot have a small group of unelected people imposing their will on Parliament because in the long term the danger will be to you the people."<sup>1</sup> Kejriwal was served a notice by the Income Tax department, his former employer, to collect pending dues from him.<sup>2</sup> IAC members were also

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<sup>1</sup> "Tharoor fires salvo at Hazare," *The Hindu*, September 01, 2011.

<http://www.thehindu.com/news/national/tharoor-fires-salvo-at-hazare/article2417330.ece>.

<sup>2</sup> Sebastian, Sunny. "Crackdown on Team Anna condemned," *The Hindu*, September 03, 2011.

<http://www.thehindu.com/news/national/crackdown-on-team-anna-condemned/article2421130.ece>.

handed breach of privilege notices for speaking against parliamentarians during the previous protest.<sup>3</sup> As a response, Anna warned the government against public unrest if it took a “vindictive” stance.<sup>4</sup> Other social activists and political parties also expressed concern at the “repressive measures” and “politics of vendetta.”<sup>5 6</sup>

Meanwhile, in a bid to step up the pressure on the government, IAC announced that it would conduct a public referendum on the Lokpal Bill in Amethi and Rae Bareli, parliamentary constituencies of the Gandhi family.<sup>7</sup> IAC also expanded its agenda to electoral politics and proposed that the public be given the ‘Right to Reject’ candidates and the ‘Right to Recall’ elected representatives.<sup>8 9</sup> Further, Kejriwal sought to change the perception that IAC had side-lined other civil society organizations and said that it was the NCPRI which was not ready to engage in dialogue.

In October, IAC announced that it would campaign against the Congress in a by-election<sup>10</sup> because of the reluctance of the government to pass a strong Lokpal Bill. Defending the shift from its apolitical line, IAC member Kiran Bedi said, “What really changes them [politicians] is the threat of losing an election.”<sup>11</sup> This decision caused a rift in IAC with three prominent members expressing serious reservations about the move.<sup>12</sup> Two others resigned from the core committee and accused the movement of being as undemocratic as the government.<sup>13 14</sup>

In another setback to IAC, Bedi was accused of unethical conduct. Bedi had been buying discounted air tickets while charging her hosts full business-class fares. “She says that she fudged the bills to feed her organization, which provides social services that includes spreading literacy and improving the condition of impoverished women,” an editor wrote of her.<sup>15</sup> Going further, the author highlighted the difficulty of sustaining an anti-corruption movement in India: “Corruption here is a team effort. Almost everyone is complicit, not just politicians. Indians are hard-wired to believe that a system of order is an adversary, that they must be street-smart to survive, that there is always a backdoor channel.”<sup>16</sup>

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<sup>3</sup> Byatnal, Amruta. “Give up vindictive approach, Hazare tells government,” *The Hindu*, September 04, 2011. <http://www.thehindu.com/>.

<sup>4</sup> Ibid.

<sup>5</sup> Sebastian, Sunny. “Crackdown on Team Anna condemned,” *The Hindu*, September 03, 2011.

<http://www.thehindu.com/news/national/crackdown-on-team-anna-condemned/article2421130.ece>.

<sup>6</sup> Joshi, Sandeep. “Manmohan must end “witch-hunt” against Team Anna: Gadkari,” *The Hindu*, September 05, 2011.

<http://www.thehindu.com/>.

<sup>7</sup> “Team Anna to conduct ‘referendum’ in Amethi, Rae Bareli,” *The Hindu*, September 25, 2011.

<http://www.thehindu.com/>.

<sup>8</sup> Byatnal, Amruta. “Anna Hazare to seek electoral reforms,” *The Hindu*, September 10, 2011.

<http://www.thehindu.com/news/national/anna-hazare-to-see-electoral-reforms/article2442072.ece>.

<sup>9</sup> Ibid.

<sup>10</sup> A by-election was an election held to fill a political office that had become vacant between regular elections.

<sup>11</sup> Keller, Bill. “Beyond Occupy,” *The New York Times*, October 30, 2011.

<http://www.nytimes.com/2011/10/31/opinion/keller-beyond-occupy.html>.

<sup>12</sup> Polgreen, Lydia, and Sruthi Gottipati. “Will the Middle Class Stick by Team Anna?,” *India Ink*, October 31, 2011.

<http://india.blogs.nytimes.com/2011/10/31/will-the-middle-class-stick-by-team-anna/>.

<sup>13</sup> Polgreen, Lydia, and Hari Kumar. “Stress Fractures For Team Anna,” *India Ink*, October 21, 2011.

<http://india.blogs.nytimes.com/2011/10/21/stress-fractures-for-team-anna/>.

<sup>14</sup> Ibid.

<sup>15</sup> Joseph, Manu. “In India, a Movement Frayed by Self-Interest,” *The New York Times*, October 26, 2011.

<http://www.nytimes.com/2011/10/27/world/asia/27iht-letter27.html>.

<sup>16</sup> Ibid.

## Shooting in the foot

Anna drew flak when a senior minister in the government was slapped by a common man for high inflation and steep price rises. On hearing of the incident, he reportedly asked a group of journalists, “Only one slap?” before condemning the attack.<sup>17</sup> A Congress spokesperson retorted, “There is nothing Gandhian about violence... I think the first premise of being a Gandhian is your commitment to non-violence.”<sup>18</sup>

Meanwhile, the parliamentary panel formed to examine the Lokpal Bill held its first internal deliberation on November 14. It met for a total of about 10 hours till December 7 to finalize its report to the parliament.<sup>19</sup> The report was marred by an “unprecedented number of dissent notes from members, including three from individual Congress MPs.”<sup>20</sup> Such committees had had “a tradition of achieving bipartisan agreement on tricky issues with, at worst, one or two notes of dissent.”<sup>21</sup> MPs from the Opposition also found the flip-flop by their counterparts in the Congress “bewildering”.<sup>22</sup>

IAC attacked the report for excluding the lower bureaucracy from the purview of the Lokpal, and thereby disrespecting the “sense of the house.” Anna criticized the inclusion of the media and NGOs within the ambit of the Lokpal, especially those that were privately funded.<sup>23</sup> Also, to register a protest against the functioning of the parliamentary panel, IAC announced a one-day fast on December 11 and called for a public debate on the bill. An invitation was extended to all political parties to create consensus on the bill. Though the Congress declined the invitation stating that it would be inappropriate to discuss a bill pending before Parliament in a public forum, all other major parties took part in the debate.<sup>24</sup>

As the end of the winter session of Parliament drew closer, IAC listed four “non-negotiable” changes in the bill. Apart from the inclusion of the assurances given in the “sense of the house” resolution, these included the provision for an independent investigation agency for the Lokpal.<sup>25</sup> IAC highlighted that this provision was present in the previous version, and

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<sup>17</sup> “Anna’s doublespeak: Condemns attack on Pawar, but says ‘why only one slap?’,” *NDTV*, November 25, 2011.

<http://www.ndtv.com/>.

<sup>18</sup> *Ibid.*

<sup>19</sup> Committee on Personnel Public Grievances, Law and Justice. *Forty Eighth Report on the Lokpal Bill, 2011*, New Delhi: Rajya Sabha Secretariat, 2011.

<http://www.prsindia.org/uploads/media/Lokpal/SCR%20Lokpal%20Bill%202011.pdf>.

<sup>20</sup> Kumar, U. Anand. “Spate of dissent notes in Panel’s Lokpal report,” *The New Indian Express*, December 08, 2011.

<http://newindianexpress.com/nation/article231532.ece>.

<sup>21</sup> Gupta, Smita. “Parliamentary Standing Committee report on Lokpal Bill adopted,” *The Hindu*, December 08, 2011.

<http://www.thehindu.com/>.

<sup>22</sup> *Ibid.*

<sup>23</sup> “Lokpal Bill: Anna Hazare rejects the draft report, threatens agitation,” *The Economic Times*, November 30, 2011.

<http://articles.economictimes.indiatimes.com/>.

<sup>24</sup> Dhawan, Himanshi. “BJP, Left to join Anna’s Dec 11 Lokpal Bill debate,” *The Times of India*, December 09, 2011.

<http://timesofindia.indiatimes.com/>.

<sup>25</sup> “Anna begins fast in Mumbai as LS debates Lokpal bill in Delhi,” *The Times of India*, December 27, 2011.

<http://articles.timesofindia.indiatimes.com/>.

feared that its absence would reduce the ombudsman to a mere complainant.<sup>26</sup> If these were not met, Anna threatened to fast from December 27 and subsequently encourage supporters to court arrest.<sup>27</sup> IAC also decided to campaign against the Congress in the upcoming state elections if a strong bill was not passed – a move that “created the perfect environment for every political party that stood to gain from this to surreptitiously work against its passage.”<sup>28</sup>

### The winter is here

The government, however, refused to give in to the pressure exerted by Team Anna.<sup>29</sup> On December 20, the Union Cabinet cleared a controversial draft of the bill that had failed to generate consensus even within the political class.<sup>30</sup> The Lokpal and Lokayuktas Bill, 2011 was finally tabled in the Lower House of Parliament on December 22, towards the end of the winter session.<sup>31</sup> Though almost all major parties had joined IAC for a public debate earlier in the month, they emphasized that law making was the privilege of the Parliament asked the government to “not surrender the sovereignty of the House” under duress. It was a bill that “most MPs, cutting across political lines, would be happier without,” a newspaper reported.<sup>32</sup>

On December 27, even as Parliament debated the bill, Anna began his fast in Mumbai describing the bill tabled by the government as “inadequate.”<sup>33</sup> The venue of the fast had been shifted from New Delhi to Mumbai in view of the cold weather in the national capital. In sharp contrast to the previous hunger strikes, the crowds were “modest”, with about 5,000 people turning up.<sup>34</sup> IAC also organized a protest in Delhi for people to show their support to Anna. Even in Delhi the response was “lukewarm”, which IAC attributed to the winter chill and absence of Anna.<sup>35</sup>

The bill was criticized by other sections of the civil society as well.<sup>36</sup> The NCPRI criticized the bill for its “lack of appropriateness”, saying that it did not provide adequate independence or investigation machinery to the ombudsman.<sup>37</sup> The government, it highlighted, had too

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<sup>26</sup> “Without CBI, Lokpal a mere complainant: Hegde,” *The Hindu*, December 21, 2011.

<http://www.thehindu.com/news/national/without-cbi-lokpal-a-mere-complainant-hegde/article2735415.ece>.

<sup>27</sup> “Changes must to make government Bill strong, says Team Anna,” *The Hindu*, December 26, 2011.

<http://www.thehindu.com/>.

<sup>28</sup> Gandhi, Jatin. “We, the Fools,” *Open*, January 07, 2012.

<http://www.openthemagazine.com/article/nation/we-the-fools>.

<sup>29</sup> Parsai, Gargi. “CBI not under administrative control of the Lokpal,” *The Hindu*, December 23, 2011.

<http://www.thehindu.com/news/national/cbi-not-under-administrative-control-of-the-lokpal/article2739263.ece>.

<sup>30</sup> Gupta, Smita. “CBI out, Prime Minister in with safeguards as Cabinet clears Lokpal Bill draft,” *The Hindu*, December 20, 2011.

<http://www.thehindu.com/>.

<sup>31</sup> Kumar, Vinay. “Lokpal Bill tabled amid protests,” *The Hindu*, December 22, 2011.

<http://www.thehindu.com/news/national/lokpal-bill-tabled-amid-protests/article2738528.ece>.

<sup>32</sup> Gupta, Smita. “Support on streets drives up Lokpal Bill in the House,” *The Hindu*, December 24, 2011.

<http://www.thehindu.com/>.

<sup>33</sup> Yardley, Jim, and Vikas Bajaj. “Lower House of Indian Parliament Passes Anticorruption Measure,” *The New York Times*, December 27, 2011.

<http://www.nytimes.com/2011/12/28/world/asia/indian-parliament-begins-debate-on-corruption-bill.html>.

<sup>34</sup> Ibid.

<sup>35</sup> “Anna begins fast in Mumbai as LS debates Lokpal bill in Delhi,” *The Times of India*, December 27, 2011.

<http://articles.timesofindia.indiatimes.com/>.

<sup>36</sup> “One step forward, two steps back,” *The Hindu*, December 24, 2011.

<http://www.thehindu.com/opinion/editorial/one-step-forward-two-steps-back/article2742291.ece>.

<sup>37</sup> “Aruna Roy flays Lokpal Bill,” *The Hindu*, December 27, 2011.

<http://www.thehindu.com/news/national/aruna-roy-flays-lokpal-bill/article2751614.ece>.

much say in the appointment, functioning, and dismissal of the Lokpal panel. Some legal experts also raised concern that the reservation for minorities introduced in the Lokpal Bill was “not in conformity with provisions of the Constitution” and “politically motivated.”<sup>38</sup> They opined that it could lead to litigation and put “a question mark over the efficacy of the legislation.”

### Inside the House

Much of the debate in the lower house focussed on issues other than corruption, such as reservation for minorities, and the supremacy of Parliament. The government faced opposition from its own coalition partners as well, who said that the bill in its current form disturbed the federal structure of the Constitution. The BJP argued that the bill was badly drafted and should either be amended or sent back to the parliamentary committee for further discussion.<sup>39</sup><sup>40</sup> The bill was eventually passed by the Lower House of Parliament in a late-night vote despite a walkout staged by several parties.<sup>41</sup>

Even on the second day, Anna’s protest did not draw much support.<sup>42</sup> Kejriwal accused the government of sabotaging the movement by arm-twisting the media. “The media houses supporting our movement are not given ads and raids are conducted on other businesses of media houses,” he said.<sup>43</sup> After his doctors cautioned him against kidney failure, Anna cancelled the three-day fast.<sup>44</sup> “Now that they passed an ineffective and useless bill, there was no value to that pressure... and Anna's health was not well, so it was called off,” Prashant Bhushan explained.<sup>45</sup> Anna termed the government as “traitors to the nation” and reiterated that he would campaign against the Congress in the upcoming state elections.<sup>46</sup>

Responding to IAC’s criticism of the Lokpal Bill, the Prime Minister said, “Legislation is the privilege of the Indian Parliament. When Parliament has spoken it is time for other persons to take note.”<sup>47</sup> Though it was expected that the bill would be taken up for debate in the Upper House the very next day, it was introduced a day later – on the last day of the session.<sup>48</sup> Over

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<sup>38</sup> “Legal experts term Lokpal quota politically motivated,” *The Hindu*, December 24, 2011. <http://www.thehindu.com/>.

<sup>39</sup> Kumar, Vinay. “Lokpal Bill tabled amid protests,” *The Hindu*, December 22, 2011.

<http://www.thehindu.com/news/national/lokal-bill-tabled-amid-protests/article2738528.ece>.

<sup>40</sup> Yardley, Jim, and Vikas Bajaj. “Lower House of Indian Parliament Passes Anticorruption Measure,” *The New York Times*, December 27, 2011.

<http://www.nytimes.com/2011/12/28/world/asia/indian-parliament-begins-debate-on-corruption-bill.html>.

<sup>41</sup> Ibid.

<sup>42</sup> “Team Anna fails to draw crowds at Ramlila Maidan,” *The Hindu*, December 28, 2011.

<http://www.thehindu.com/news/national/team-anna-fails-to-draw-crowds-at-ramlila-maidan/article2754336.ece>.

<sup>43</sup> “Arvind Kejriwal appeals govt to withdraw its 'weak' Lokpal bill,” *The Times of India*, December 27, 2011.

<http://articles.timesofindia.indiatimes.com/>.

<sup>44</sup> Yardley, Jim, and Vikas Bajaj. “Lower House of Indian Parliament Passes Anticorruption Measure,” *The New York Times*, December 27, 2011.

<http://www.nytimes.com/2011/12/28/world/asia/indian-parliament-begins-debate-on-corruption-bill.html>.

<sup>45</sup> “Team Anna admits fast did not create pressure,” *The Hindu*, December 30, 2011.

<http://www.thehindu.com/news/national/team-anna-admits-fast-did-not-create-pressure/article2758832.ece>.

<sup>46</sup> Bajaj, Vikas, and Hari Kumar. “Indian Activist Calls Off Fast but Vows to Keep Fighting,” *The New York Times*, December 28, 2011.

<http://www.nytimes.com/2011/12/29/world/asia/activist-anna-hazare-ends-fast-for-health-reasons.html>.

<sup>47</sup> “Respect verdict, says PM,” *The Hindu*, December 29, 2011.

<http://www.thehindu.com/news/national/respect-verdict-says-pm/article2755593.ece>.

<sup>48</sup> Bajaj, Vikas, and Hari Kumar. “Indian Activist Calls Off Fast but Vows to Keep Fighting,” *The New York Times*, December 28, 2011.

150 amendments were moved by various parties in the Upper House, where the government did not enjoy a majority.<sup>49</sup> The fate of the bill remained unclear as Parliament debated the bill until midnight. Even as the opposition and treasury benches argued over the House's right to complete the deliberations post-midnight, the Chairman of the House adjourned the proceedings for the session.<sup>50</sup>

At the end of the session, a senior Bharatiya Janata Party (BJP) functionary reportedly said in a private conversation that the outcome was “better than the best” for the BJP as the Government emerged “looking like the villain for orchestrating the adjournment of proceedings.”<sup>51</sup> The Congress, on the other hand, blamed the “negative and opportunistic conduct” of the BJP for the fiasco. Over 40 years after it was first introduced on the floor of the House, the Lokpal Bill had failed to clear the final hurdle once again.

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<http://www.nytimes.com/2011/12/29/world/asia/activist-anna-hazare-ends-fast-for-health-reasons.html>.

<sup>49</sup> Parsai, Gargi. “Trinamool seeks four amendments in Lokpal Bill,” *The Hindu*, December 29, 2011.

<http://www.thehindu.com/news/national/trinamool-seeks-four-amendments-in-lokpal-bill/article2758103.ece>.

<sup>50</sup> Gandhi, Jatin. “We, the Fools,” *Open*, January 07, 2012.

<http://www.openthemagazine.com/article/nation/we-the-fools>.

<sup>51</sup> *Ibid.*