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MYSORE AGAINST CORRUPTION
POSITION PAPER

There was a spontaneous gathering of people at Gandhi Square on 16 August 2011 based on a call given by Dr.R.Balasubramaniam for offering *sathyagraha*. Within the first few hours, an informal group was formed under the name of *Bhrastacharada Viruddha Mysooru* or Mysore Against Corruption (MAC). The *sathyagraha* was meant to

- (1) protest against corruption in general,
- (2) protest the arrest of Anna Hazare and demand his release, and
- (3) demand a strong Lokpal Bill (the Jan Lokpal Bill) instead of the deliberately weak Lokpal Bill proposed by the Union Government.

The call for *sathyagraha* and protest at Gandhi Square attracted huge crowds, particularly college and school students. MAC organized a candle-light procession, a candle light vigil and on 20th August, a very large rally of 2-wheelers passing through a large part of Mysore city. Simultaneously political parties like CPI and CPI (M), trade unions and various associations of citizens staged separate demonstrations at other places in Mysore with similar demands. Youths in their hundreds from the Akhil Bharatiya Vidyarthi Parishad and Kannada Rakshana Vedike conducted 2-wheeler rallies.

Position on corruption and the Institution of Lokpal

MAC is aware that corruption is not only financial in nature. Common understanding of the word *bhrashtachara* is paying or receiving bribes in cash or kind at the level of ordinary citizens dealing directly with government officials, and corruption involved at high (governmental) levels in agreements, MoUs and contracts with large business corporations. MAC understands that in the wider sense, acts involving large and small scale social and economic discrimination and violence (commonly termed *athyachara*) also constitute corruption. While current public focus is only on the financial sense of corruption, MAC understands that the wider issues call for social reform.

There is no argument concerning the first two intentions of the *sathyagraha* as stated in the opening paragraph, but the third has attracted constructively critical comment particularly because the demand is for the Jan Lokpal Bill as an alternative to the Lokpal Bill. While understanding the need for strong, institutionalized powers to combat corruption, the Jan Lokpal Bill is also seen as including the possibility of an unelected and monolithic Lokpal Institution with enormous powers, without the checks and balances of Constitutional functioning. MAC recognizes that there is some substance in this apprehension. At the same time, the sentiments of the huge masses of people who have come out in strong support of the Jan Lokpal Bill (and derisively naming government's Lokpal Bill as the Jokepal Bill) cannot be ignored. The fact is that among the millions of supporters of the Jan Lokpal Bill, the number of people who have had access to the draft(s) of the Jan Lokpal Bill and among them, those who have read and understood it are minuscule in comparison. It is Anna Hazare's peaceful and non-violent initiative that has provided opportunity for people

across India to demand accountability from governments concerning corruption. But the “civil society opinion” displayed by the enormous nation-wide support created by Anna Hazare's *sathyagraha* for the Jan Lokpal Bill is not an indication of its being flawless.

The current situation

The current situation is that civil society represented by Anna Hazare opines that the Union Government has produced an unacceptably weak, even a “pro-corruption” Lokpal Bill, and ridicules it as the Jokepal Bill, citing several reasons. Government's position continues to be that Anna Hazare's stand is an assault on Parliament and the parliamentary process, and hence unacceptable. This has created a binary situation of “if-you-are-not-with-us-you-are-against-us”, between Government and the Jan Lokpal Bill supporters, and it bodes ill for democracy. However, in this face-off, there is a window of hope in the Parliamentary Standing Committee calling for public comments on the issue by September 4, 2011. MAC views this as a positive indication of Parliament's willingness to consult the public. The speech of the Hon'ble Prime Minister yesterday is encouraging and reflects the changing attitude of the Government. The assurance that Parliament will discuss not only the Lokpal bill but also the Jan Lokpal bill and the version presented by Ms. Aruna Roy of NCPRI is very welcome.

The Third Position

There is a “third position” between the opposing and apparently irreconcilable positions of the Union Government and the Jan Lokpal Bill supporters. Best expressed by Aruna Roy among others, it rejects the Union government's weak Lokpal Bill and is in complete agreement with the need for a strong Lokpal Institution. At the same time it notes that the Jan Lokpal Bill will create an unduly powerful Lokpal Institution with extremely wide-ranging powers including the PM, the Members of Parliament and the Judiciary, with little if any formal accountability to the people. This so-called third position is inclusive, and calls for strengthening existing institutions like the CAG and CVC, and creating new institutions that wield power in delineated areas. It overcomes concentration of vast and unaccountable jurisdiction over the length and breadth of government machinery in one institution as is envisaged in the Jan Lokpal Bill. It also holds that insistence on Parliament to pass the Jan Lokpal Bill by 31 August will vitiate meaningful debate in Parliament. We have tolerated unabated corrupt practices in India for the past 64 years and a few months more will not dilute our demand for a meaningful Lokpal Bill.

MAC believes in the supremacy of **We the People**, and between the three pillars of the Constitution, in the primacy of the legislatures elected by We the People. People's elected representatives are duty-bound to effectively project and discuss the opinions and views of their constituencies in the state and central legislatures. The legislators (Members of Parliament) need to be fully aware of the content and the ramifications of both extreme positions in order to have a meaningful debate. There is therefore great relevance of the “third position” proposal in the debate. This proposal includes inclusion / creation of five bodies, the names or titles of which are not sacrosanct but **the functions of which together constitute a system** rather than a single, very powerful body that the Jan Lokpal Bill seeks to create.

The MAC team would work towards having a strong anti-corruption law which provides for the inclusion of the Prime minister under this law. While it seeks to have the judiciary also covered under the provisions of this law, a separate law to ensure judicial accountability would also be welcome. MAC would like to ensure that all the public servants working in the Government of India and the state Governments are covered either under this law or separate state level Lok Ayukta laws. MAC also urges the Government and Parliament to ensure the selection process of the Lok Pal and its members are insulated from the political system and its pressures. MAC also would like to urge the inclusion of all NGOs, religious institutions and corporate entities who have any sort of transaction with any Government entity to be included under this law.

While grievance redressal is a key issue, MAC would like to ensure a working mechanism which is practical and implementable. This under a single Lok Pal bill may become unwieldy and a separate institutional framework will have to be created to ensure the same.

Taking the movement forward

The *sathyagraha* phase of MAC's action at Gandhi Square ended at 6 PM on Sunday, August 21, 2011. MAC proposes to carry forward the movement to reach out to inform urban and rural people who were not able to come to the venue, regarding the issues surrounding the stances adopted by the Union government and Anna Hazare's Jan Lokpal Bill and inform them about the Third Position. People will be encouraged to communicate their opinions to the Parliament Standing Committee before September 4, 2011, and advised and encouraged in the peaceful and non-violent fight against corruption including suggesting how to obtain authorized government services without paying bribes and how to expose those who demand bribes.

Conclusion

The Third Position is not a solution, but is a starting input for public as well as parliamentary debate that can yield results in keeping with democratic processes. It steers clear of rigid positions and the current polarization between the positions adopted by the Union government and Anna Hazare. The call for views from the public by the Parliament Standing Committee is thus welcome and strongly recommended for public participation.

MAC is of the view that we need to present our views to the Standing Committee of Parliament and to our local Member of Parliament. The Prime Minister has assured discussion on all the three versions of the bill in Parliament and this is indeed welcome. All the versions need to be debated meaningfully and a strong anti-corruption law passed in the forthcoming winter session. It is necessary to repeat that this proposal is not a complete solution to the problem of corruption. Electoral reforms, land reforms, police reforms, land acquisition and rehabilitation and resettlement laws etc. will also need to be formulated by Government in consultation with people, without creating a situation like the current stand-off. This will call for political sagacity and faith in the Constitution among the political class at the State and Centre.