



# Lest We Forget

## Tracking the *Tehelka* Expose and its Aftermath

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It is becoming increasingly evident that most of the problems faced by the people in India today owe their origin to malgovernance and to criminal acts of the commission and the omission by those in positions of power and authority- be it raging communal violence, or the poor health and educational status of our people. It is also significant that the most serious human rights abuses in India take place at the hands of government functionaries. Public functionaries are so busy running extortion rackets, inventing newer and newer ways to collect bribes that they have had no time to develop administrative expertise in any area.

An important reason why India's problems seem intractable is that no matter how serious the offence, no matter how clear the evidence and no matter how strong the public outrage, those in positions of power are seldom called to account. They can get away with mass murders, instigating communal riots as in Gujarat, they can get away with robbing the public exchequer, as well as criminal forms of negligence and dereliction of duty. Even if court cases are filed, they drag on for years, even decades. Even if these crimes are committed in broad daylight in full view of public there never is enough "evidence" of their wrong doing to satisfy our tardy courts.

What is worse, even before people have had time to absorb the shock of a particular crime or scam, something

still bigger and deadlier explodes in our face and overshadows the previous one so that the people get numbered into passivity. Even those who take up public causes with zeal end up worn out and demoralised, because despite all their efforts, wrong doers continue to thrive, while the crusaders end up being harassed and attacked, as is happening in the case of the *Tehelka* expose.

### Entrenched Corruption

On March 13, 2001 when *Tehelka.com* went public with Operation Westend, eight-month long painstaking sting investigation, many of us thought that this might prove a turning point in our polity since the issue caused a genuine and widespread outrage among a large section of the public. Posing as arms dealers, selling a fictitious product, two *Tehelka* journalists laid bare deeply entrenched corruption in defence procurement, exposed serious systemic failures and caught top politicians, bureaucrats and army officers avidly demanding and accepting bribes in cash and kind. Some of the senior officials holding key positions in defence procurement showed themselves habituated to also getting sex bribes. A good part of all these transactions were recorded on over 100 hours of video film.

These tapes show how porous and vulnerable to sabotage is our defence establishment. For eight long months, *Tehelka's* journalist-total

novices in defence matters, operated undetected in the Ministry of Defence, the Army Headquarters and even the residence of Defence Minister, George Fernandes.

They successfully conned senior army officials, politicians and bureaucrats with relatively small bribes, No one ever tried to check back on their antecedents or even their products. This when these journalists were using their office cars and mobiles-not any secret numbers. It is amazing to watch senior functionaries of our political and defence establishment talk openly and in great deal complete strangers who offer them small baits, telling stories of corruption in defence deals, whom to contact, how much to pay, what to do. Without much coaxing, they provide heaps of information on specific deals and kickbacks in the past. The sting operators talk very little and often do no more than appear interested listeners to get our power wielders to merrily tell tales on each others.

The story shook the foundation of the government in power, led to the resignations of top politicians. The Prime Minister himself promised to the outraged public that the accused bureaucrats and army officers and politicians would be investigated.

For several months, we at MANUSHI did not get involved with the issue because:

- we felt that enough was being said and written on the subject.

- It had evoked a good deal of public outrage.
- Several political parties had taken up the issue.
- A Commission of Inquiry was put in place and it seemed likely that the guilty would be punished.
- We felt we had nothing new to add by way of facts or insights.

### Shooting the Messenger

However, suddenly the tide started turning. Various influential people and powerful government functionaries began a systematic vilification campaign against *Tehelka*, indulging in fantastic speculative exercises into the “hidden motives” behind the *Tehelka* expose. All kinds of wild allegations without any evidence to support it began to be splashed on the front pages of our newspapers. The *Tehelka* team were accused of causing a stock market crash to benefit one of their investors, of wanting to bring the NDA government down at the behest of the Congress party, and finally alleged to have undertaken the entire exercise to undermine the morale of the defence forces at the behest of Pakistani intelligence agencies.

In September 2001, *The Indian Express* came up with banner headlines that *Tehelka* journalists had used call girls as part of the sting operation. This supposed revelation provided yet another convenient handle to whiplash *Tehelka*, put to question its motives and methods, while seeking to whitewash the far more serious crimes of those caught red handed by *Tehelka*. Slowly the focus of the government instituted enquiry began shifting from the bribe takers to putting the *Tehelka* team and its key investor, Shankar Sharma of First Global, on trial. (See pages 10-18, “The Witch-Hunt against First Global)

Those who are levelling wild charges against *Tehelka* have failed to do any follow up on the veracity, validity and credibility of the allegations splashed prominently on the front pages of various newspapers at the behest of those involved in and desirous of protecting those found guilty in *Tehelka* tapes.

In countries with a more vigorous tradition of competitive investigative journalism, each leak or self initiated expose sets off a feeding frenzy of other efforts to break the case open and lead it to the sources of the corruption at the highest levels. The process, once it begins, generates almost unstoppable momentum. In



India, in contrast, those who unearthed such a vital scam are being harassed and put on trial.

### Vulnerability of Media

An important reason why we have rarely seen genuine and credible investigative journalism in India, including sustained follow-up, is that the newspaper establishment and even the electronic media owners do not believe in spending even a small part of their profits to provide the time and funds necessary for their journalists to be able to do the job. Every now and then a sensational story as result of a leak is splashed on the front pages of the newspapers. This creates a temporary uproar, if the Lok Sabha is in session, but is soon forgotten in the excitement of the next scandal. The most important stories among them are rarely, if ever, followed

up with care and determination to their logical conclusion. As a result, scandal after scandal is lost sight of and forgotten. No one gets to be held accountable for wrong doing in India.

Despite having a good deal of formal and legal freedoms enshrined in various laws and constitutional guarantees, we rarely see our press vigorously and seriously exercise its freedom and autonomy, primarily because media professionals and owners have chosen to become dependent on, and in many cases beholden to the government for a whole range of personal and institutional favours and subsidies—both sectoral and individual. Media owners seldom risk investigations of specific instances of crimes committed by powerful persons in government that can upset the media’s equation with them. Politicians and bureaucrats openly patronise certain journalists who then are willing to act as their agents within the media establishment.

Consequently a good deal of what is passed off in the media as genuine news consists simply of repeats, even at times simply verbatim reprints, of press hand-outs issued by ministers and bureaucrats that are meant to present them in a favourable light, or information leaks by various frustrated government agencies who have had their critical reports sat on by those in powerful positions.

### Growing Cynicism

Most of the exposes that pretend to be products of investigative journalism are actually stories planted in the media by rival politicians or disgruntled bureaucrats settling scores against their political bosses.

This makes most journalists cynical about each other’s motives, since they know how avidly many in the Indian media have surrendered to the all pervasive corruption. They are

not always wrong in their cynicism; they have witnessed too many examples of partisan politics and narrow self-interest or self-promotion parading as journalistic crusades.

This perhaps explains why we are witnessing a great deal of speculation with regard to the alleged motives of the *Tehelka* investigators, with every wild allegation and theory receiving prominent coverage in the press.

It is not MANUSHI's purpose to go into or offer proof of *Tehelka*'s good credentials. *Tehelka* needs no such commendations from us. No matter what the motives behind *Tehelka*'s expose, the facts that they have laid bare cannot be wished away.

### **Govt. Shielding the Guilty**

Even if we were to grant for a moment that all this was done at the behest of hostile foreign powers, far from exonerating the guilty, it would underscore the need to clean up our act and punish the guilty with greater severity. Instead, we are witnessing a whole campaign by the government with good help from the media to discredit the revelations and shield the guilty.

Their most important innovation can be seen in how they have put the events before us in large part as they actually happened. Unlike newspaper exposes, where the investigator-writer selects from a very few of their notes what he/she wants to share and gives the reader primarily his/her version of what happened, the Operation Westend lays bare what happened by just providing a framework of their documentation without an overly selective or intrusive mediator to interpret what happened. They don't tell the viewer what to think. Rather they compel the viewers to think for themselves and decide if

corrupt and illegal acts were committed by the individuals investigated. And yet, the rest of the media is not standing up to defend one of their own, nor has the corporate sector stalwarts found the courage to protest against the witch-hunting of Shankar Sharma and his wife Devina Mehra. The only likely explanation is that media barons and business leaders have been silenced out of fear. If First Global could be so easily trampled upon by an enraged government, why would others fare any better?

Even if we were to grant for a moment that the entire expose was done at the behest of hostile foreign powers, far from exonerating the guilty, it would underscore the need for the government to clean up its act and punish the guilty with greater severity. Instead, we are witnessing a whole campaign by the government with good help from the media to discredit the revelations and shield the guilty.

However, even the most vigilant media cannot take such issues to their logical conclusion unless backed by an organised might of concerned citizens. While there has been widespread public outrage at the *Tehelka* expose, what we need today is organised and sustained action by citizens to ensure that the guilty are held to account and long term institutional reforms are undertaken for greater transparency and accountability in governance, including in defence related matters.

### **Need to Resist Sabotage**

We in India have become used to investigations that almost always die out in farcical debates; they do not make the slightest dent in corruption nor lead to any institutional reforms. Commissions are routinely appointed to expose this or that wrong doing

and their findings, if critical and dangerous to the ruling politicians, are either not released, ignored, or otherwise put aside in some way that keeps the powerful from any accountability before the law for their crimes. The small minority of corruption cases that actually reach the courts are routinely subverted by techniques such as unwarranted endless adjournments, witnessed disappearing or being frightened away from testifying, bought over or become victims of other similar devices that end in subversion of the legal process.

So far neither *Tehelka* team nor Shankar and Devina of First Global show any sign of compromising their stand or buckling down under pressure. However, they could well get demoralised and give up if the Inquiry Commission is effectively sabotaged and the guilty allowed to continue with their corrupt ways. We cannot afford to let this happen for it would amount to surrendering before criminals who have come to occupy positions of power.

As a step towards that we are providing our readers a comprehensive fact sheet on Operation Westend, what it exposed how far have the investigations proceeded, how they are being sabotaged and what we need to do as citizens in order to ensure that the lives of our citizens and soldiers are not put in peril because many of those in power think their official positions provide them with license to rob the public exchequer and that the purpose of defence purchases and all other government activities is to offer them opportunities to collect bribes, so that while the country bleeds to death they can amass enough wealth to last several generations. □