

# Is there genuine change in Algeria?

The Algerian protesters appear to have learnt the lessons of the Arab Spring



PINAK RANJAN CHAKRAVARTY

After weeks of public protests demanding that Algerian President Abdelaziz Bouteflika step down, the 82-year-old leader who has ruled for 20 years has finally announced that he will leave office. The pressure on him to quit came not only from the protesters but also from the ruling National Liberation Front (FLN)'s coalition ally as well as the country's powerful military.

The protests that have convulsed the country have been peaceful by and large. The demonstrators are mostly young and are worried about unemployment. About 70% of the Algerian population is under the age of 30 years. It seems as though Algeria has reached the Rubicon; it is a matter of time before it crosses it.

An earlier statement from Mr. Bouteflika stated that while he would not seek a fifth term in office, he would carry out "deep reforms" in various fields. The same statement announced that the presidential election, slated for April 18, would be postponed. This has led to suspicion that Mr. Bouteflika intends to find ways to keep much of his ruling elite intact. The new Prime Minister and former Interior Minister, Noureddine Bedoui, has compounded the suspicion by supporting the postponement of polls.

## A charmed career

Mr. Bouteflika, like many authoritarian rulers in the Arab world, has had a charmed career. Though seen as a controversial politician in his country, many give him credit for ending the bloody civil war that killed around 200,000 Algerians in the 1990s. But like many authoritarian leaders in the Arab world, he has outlived his acceptance with the people of Algeria.

Born in the Moroccan town of Oujda, Mr. Bouteflika was originally from Tlemcen in Western Algeria. When he was 19, Mr. Bouteflika joined the National Liberation Army (ALN), the fighting arm of the FLN, which was then engaged in the independence war against colonial occupation by France. He rose rapidly through the hierarchy and be-



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came a trusted aide of Houari Boumediene, the ALN leader who usurped power in 1965 after Algeria achieved independence in 1962. He was the Minister for Youth, Sports and Tourism in the government of Ahmed Ben Bella. Thereafter, he became the youngest Foreign Minister in the world in 1963.

Algeria's foreign policy as an independent country was moulded by Mr. Bouteflika and was influenced primarily by the experience of the war for independence. It was, therefore, natural that Algeria was active in the decolonisation and Non-Aligned Movement. Argentinian revolutionary leader Che Guevara and South African leader Nelson Mandela received full support from Algeria in their respective struggles against military dictatorship and apartheid. Mr. Bouteflika's political career declined with charges of corruption and he went into voluntary exile from 1981 to 1987.

## The civil war and after

Algeria's hydrocarbon-based economy prospered during the days of booming oil prices. The single party system that dominated Algeria gave way to political pluralism that led to the rise of the Islamic Salvation Front (FIS). The cancellation of the 1991 election by the Algerian military to pre-empt transfer of power to the FIS precipitated a 10-year bloody civil war. Mr. Bouteflika had declined to take over as President in 1994 at the height of the civil war, but in 1999, he ran for President and was elected with a huge majority. Other candidates withdrew at the last moment alleging that the election was rigged.

Mr. Bouteflika successfully ended the civil war with his 2005 Charter for Peace and National Reconciliation. High oil prices enabled Algeria to in-

vest in infrastructure and improve the economy. His opponents criticised him for usurping all powers and weakening state institutions. Despite the criticism, Mr. Bouteflika survived the Arab Spring which swept away authoritarian rulers in Tunisia and Libya.

## The way forward

Leading opposition figures are now working to find a road map for Algeria's political transition via a coalition called the National Coordination for Change. The current mood is coalescing around the idea of Mr. Bouteflika handing over power to a collective presidency on April 28, the last day of his presidency. Given the military's long history of interference in politics, the National Coordination for Change has also warned it not to interfere. However, the coalition seems to have no clearly identified leadership and may not be the vehicle for change that Algeria needs.

An FLN spokesperson has said that Algeria's problems can only be solved by elected representatives and not by unelected politicians and civil society activists. The army has indicated support for the protesters. The Army Chief declared that Mr. Bouteflika, who has been confined to a wheelchair since suffering a stroke, is unfit to rule. Algeria's judges have also supported the protesters and said that they will refuse to adjudicate cases against them because they have violated laws on public gatherings. The Algerian establishment appears divided and Mr. Bedoui has not found it easy to form a transition government.

With the President agreeing to step down before April 28, there is momentum building for a transition government comprising independent people who have never been in government before. So, there is no going back now. We saw this sort of upsurge in Tunisia in late 2010 and then across the Arab world. That uprising toppled several regimes. The Algerian protesters have learnt the lessons of that uprising. The Algerians do not want their protests to give any opening to Islamists and are yearning for genuine democracy. Algeria, an oil-gas rich country, appears poised to cross the Rubicon this time.

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# The principle and procedure in Lokpal

It is disappointing that the appointment of the Lokpal was shrouded in secrecy



RAJEEV DHAVAN

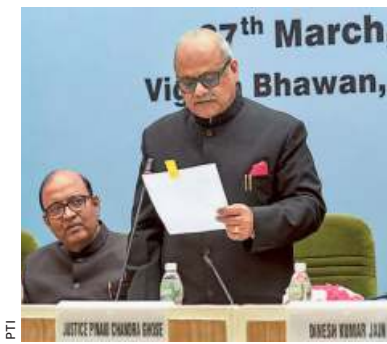
The Supreme Court's ultimatum to the Centre to appoint a Lokpal within a given time frame, and the subsequent appointment of the first Lokpal in the country, is to be welcomed. After all, the fight for a Lokpal has been long-drawn-out.

## A brief history

From 1963, India has been nurturing the ambition to appoint a Lokpal, a phrase coined by L.M. Singhvi. Copied from Sweden's Ombudsman and its adaptation in the U.K. in 1967, the idea was to expose 'maladministration', which British MP Richard Crossman defined as "bias, neglect, inattention, delay, incompetence, ineptitude, arbitrariness and so on". Despite affirmations to its need, no one really wanted a Lokpal in India, preferring instead the mild Vigilance Commission from 1964 to 2003. In one sense, the National Human Rights Commission and the various national commissions dealing with Scheduled Castes, Scheduled Tribes, women, children and even *safai karmacharis* are all special Lokpals within their areas. But nobody fears them because they are promotional and deal with individual grievances. They hurt no one and have become semi-ineffective. No one wanted a strong Lokpal because it would demand accountability from politicians and bureaucrats.

After the Emergency, a new model of Lokpal emerged, a model for 'regime revenge'. The 'maladministration' model gave way to an anti-corruption model with a sweep clause of five years. This meant that the Lokpal would re-examine Emergency and target the Indira Gandhi government. It meant that it would target politicians, but not bureaucrats. The power of the bureaucracy to stultify anti-corruption measures is well known. This model continued with regularity.

The 2011 Anna Hazare movement, which fought to get the Lokpal Bill passed, faltered in many ways. When the Modi government came to power, it did not appoint a Lokpal either. It did



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not want Lokpal accusations and investigations to mar its tenure.

Directed by the Supreme Court, the Lokpal appointment process began in 2018, which was too late to scrutinise the Modi government before the 2019 general election. The government constituted an eight-member Search Committee in September 2018, headed by former Supreme Court Justice Ranjana Prakash Desai, to recommend names for the posts of Lokpal chairperson and members. The names recommended were scrutinised by a Selection Committee, comprising Prime Minister Narendra Modi; the Chief Justice of India's nominee, Justice S.A. Bobde; Speaker of the Lok Sabha Sumitra Mahajan; and eminent jurist Mukul Rohatgi. The 'special invitee', who was Congress leader Mallikarjun Kharge, refused to attend the meetings. We can see that the Prime Minister and the Lok Sabha Speaker are from the BJP. The eminent jurist was the Attorney General of India from 2014 to 2017. Only the Chief Justice's nominee is not connected to the party.

## Neither transparent nor fair

Was this entire procedure transparent and fair? Unfortunately, no. When the matter was argued in the Supreme Court, advocate Prashant Bhushan asked for the names of those who had applied for the post. This suggestion was shot down during the argument. We don't know who applied to be considered as chairperson and as a member of the Lokpal. Did former Supreme Court judge, Justice Pinaki Ghose, apply even though he was a member of the National Human Rights Commission (NHRC) at the time? Who were the others? Section 4(3) of the Lokpal and Lokayuktas Act of 2013 states that the Selection Committee "may also consider any person other than the persons recommended by the Search Committee". This makes the procedure futile.

The Search Committee Rules, 2014 stated that the Selection Committee would select one of the five names recommended for the post of Chairperson of the Lokpal and eight of 24 names recommended for the post of members of the Lokpal. The Selection Committee was to lay down the criteria for appointment and decide by majority in cases of difference of opinion. The public is entitled to know the list proposed by the Search Committee. It is entitled to know who all were considered and why. That the appointment of the Lokpal is shrouded in secrecy is an affront to the very concept of the Lokpal.

## Background of members

Justice Pinaki Ghose is not known for any path-breaking judgments, so it is curious why he was chosen over other retired judges, especially as he was already a member of the NHRC. No less than a sitting judge could have been offered this post. The other judicial members are Justice Pradip Kumar Mohanty, who was Chief Justice of the Jharkhand High Court; Justice Abhilasha Kumari, who served on the Gujarat High Court and was a chairperson of the Human Rights Commission of Gujarat; and Justice Ajay Kumar Tripathi, who was Chief Justice of the Chhattisgarh High Court. The first woman chief of the Sashastra Seema Bal, Archana Ramachandran, is a non-judicial member, as are former Chief Secretary of Maharashtra D.K. Jain, former Indian Revenue Service officer Mahender Singh, and former Indian Administrative Service officer of the Gujarat cadre, I.P. Gautam. The question is, should IAS and IPS officers be appointed, especially since they have to deal with fellow officers? The field was wide open from non-government sectors as well.

Mr. Hazare was right in being overjoyed that a Lokpal has been appointed at last. And Aruna Roy and others were right in insisting on a wider jurisdiction on maladministration and delivery of services. This Lokpal will always be known as a secretly appointed one. It is supposed to be an anti-corruption institution. Much will depend on how it is used and against whom. Will we find out who is the *chor* (chief) and who is the *chowkidar* (watchman)? Or will this be another playground for politics?

*Rajeev Dhavan, a senior advocate of the Supreme Court, has just published a two-volume book on the Lokpal*

## SINGLE FILE

# The unkindest cut

Reducing funds for MGNREGS has caused disenchantment among two groups which are politically powerful

JAMES MANOR



RAMESH SHARMA

To do well in this general election, the BJP must overcome several serious obstacles of its own making. It has failed to fulfil the stirring promise of massive job creation. Demonetisation severely affected many farmers, households and enterprises. Huge numbers of vulnerable people have

been denied vital services and benefits because of Aadhaar malfunctions. Among its failures, a misjudgment that has attracted less attention is the reduction in funds for the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). It has caused disenchantment among two different groups, both of which are politically powerful.

First, it has hit poor villagers who are in dire need of wages from the programme. For many, it is the difference between one meagre meal and two nutritious meals per day for their families. MGNREGS began to address the problem of malnutrition and stunting in India, which cause irreparable damage to the bodies and minds of children. Many MGNREGS workers have used their earnings to improve small plots of land or to buy livestock. This modestly but crucially enhanced their assets and autonomy.

In recent years, most of the labour on MGNREGS work sites has been done by women, who gain greater independence in their households from their earnings that reach their bank accounts. As *The Verdict*, a new book by Prannoy Roy and Dorab Sopariwala, reveals, turnout at elections by rural women has been increasing. The MGNREGS has also provided benefits to Dalits and Adivasis.

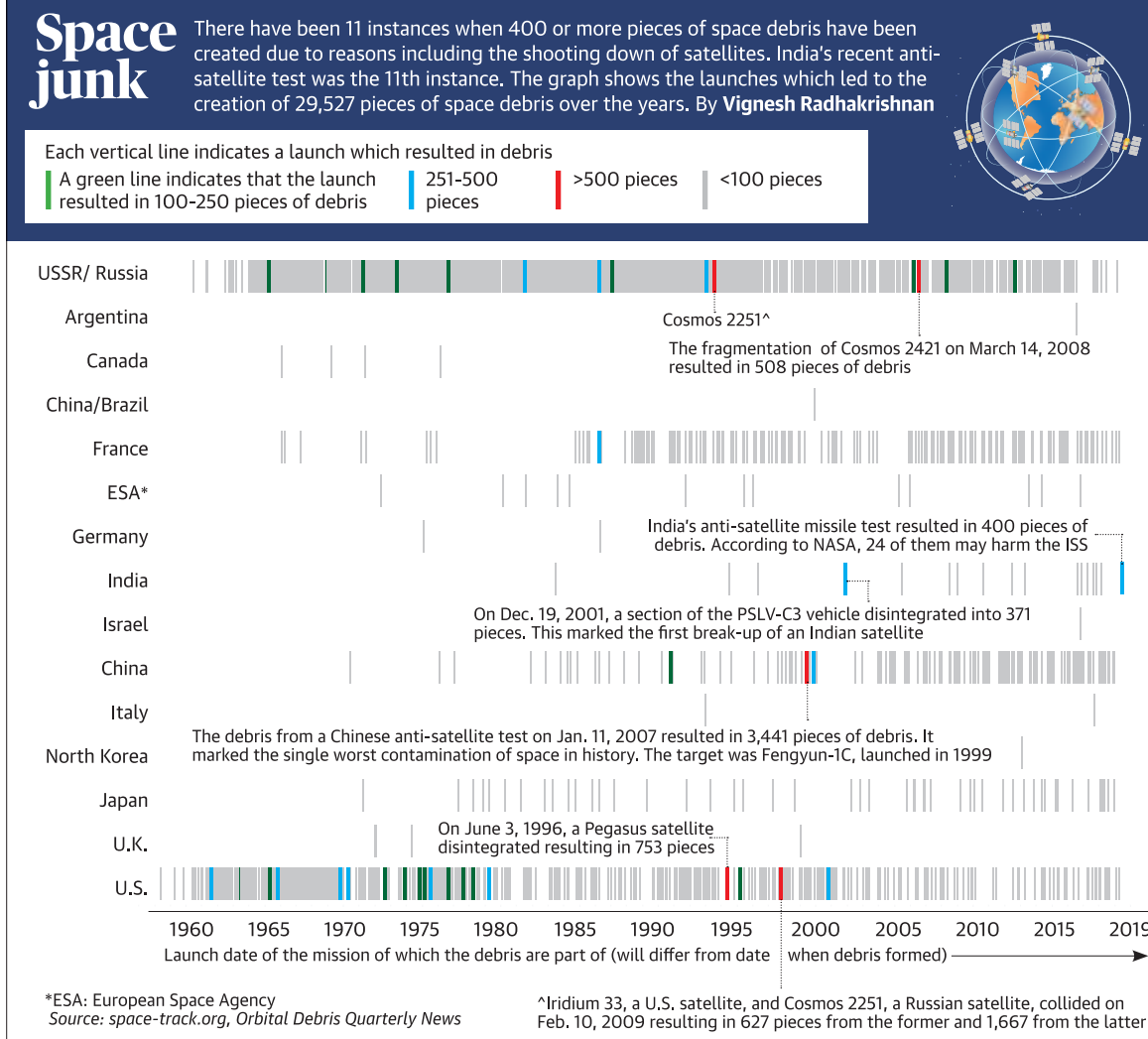
When he was Rural Development Minister, Birendra Singh opposed the constriction of funding for the Scheme because demand for employment on work sites remained strong. It has been higher in 2018-19 than in the last eight years. The government brushed his views aside. Now it seems to acknowledge the problem, but too late after three years of fewer person-days worked. The Centre has also been slow in sanctioning funds for State governments, adding to the serious decline in work opportunities.

Resentment among a second group also carries grave risks for the BJP. The funding cuts have alienated elected members of India's gram panchayats, many of whom have real political clout at the grass-roots level. By law, at least half of MGNREGS funds must go to gram panchayats, and some State governments provide as much as 90%. Five years ago, local councillors in several States proudly told this writer that they controlled as much or more money than their MLAs. The programme's shrinking budget has eroded their power. Prime Minister Narendra Modi and his party can ill afford a backlash from these people.

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## DATA POINT



## FROM The Hindu ARCHIVES

FIFTY YEARS AGO APRIL 3, 1969

### Land Bill: Kerala rejects Delhi suggestions

The Revenue Minister, Mrs. K.R. Gouri said here [Trivandrum] to-day [April 2] that the Union Government had suggested modifications to the Kerala Land Reforms (Amendment) Bill, which in effect would defeat the very purpose of the legislation. Mrs. Gouri told Pressmen that the State Government would go ahead with the amendment bill now before the Select Committee, which had the approval of the Co-ordination Committee of the United Front. "We will pass the bill with such amendments as the Assembly may adopt. It is for the people to decide whether the enactment should be enforced or not." The Minister said the provisions of the amending legislation had received general approval during the earlier discussions with the Union Ministers. She feared the Union Law Ministry and the Law Minister were behind the suggestions and objections now put forward by the Union Government.

A HUNDRED YEARS AGO APRIL 3, 1919.

### Passage to England.

Messrs. Mackinnon Mackenzie & Company inform us [in Bombay] that owing to the very large number of passengers proceeding by the "Ormonde" on the 8th April as much heavy baggage as possible should be sent for shipment in advance. Heavy baggage will be received at No. 6 shed, Alexandre Dock, between 10 A.M. and 4 P.M. on Saturday and Sunday the 5th and 6th instant. In this connection the earnest attention of the passengers is drawn to the arrangement whereby heavy baggage may be booked by passenger train in advance and consigned for the Station Superintendent, Victoria Terminus, or Colaba Station, Bombay, who will arrange for shipment at a charge of four annas per package to be paid at the time of despatch. Full information may be obtained from the station masters at local stations.

## POLL CALL

### Voter Verifiable Paper Audit Trail

A voter verifiable paper audit trail, or VVPAT, allows citizens to verify whether their votes have been recorded correctly. This is done via a machine, called the VVPAT machine, that is connected to the Electronic Voting Machine (EVM). A VVPAT machine consists of a printer unit and a status display unit. Soon after a voter casts her vote, the printer unit prints a slip of paper that verifies the voter's choice. The slip contains the party symbol and the name of the candidate for whom she cast her vote. The slip, which is visible through a glass box, is displayed to the voter for about seven seconds after which it is dropped into a compartment that collects ballot slips. Any error during voting is displayed on the status display unit. A few VVPATs are tallied to account for the accuracy of EVMS. Given glitches in VVPAT machines in recent Assembly elections, Opposition parties have called for a higher VVPAT recount.

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