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The Performance of Anti-corruption in Loei Province Thailand

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Abstract

The purposes of research were to study 1) development Anti-corruption knowledge of local staff and community leaders in Loei Province, Thailand 2) satisfaction of Anti-corruption knowledge 3) teenage satisfaction of brainstorm Anti-corruption 4) teenage opinion of **Good Governance (GG)** Local staff and 5) people opinion of **GG** of Local staff. There was action research. 483 sample were local staff, community leaders and teenage. The instrument was questionnaires rating scale: have reliability situations .873, .890, .954 and 860. The statistic used percentages, mean scores and standard deviations. Descriptive analysis of Anti-corruption knowledge. The findings:1) The objective of Job performance was local staff on **GG** for management standard public services. The project development Anti-corruption on November 12, 2015 at Loei Rajabhat University (LRU). Field study brainstorm of teenage of Anti-corruption on November 16-17, 2015. The activities were cooperative and collaborative face-to face, knowledge acquisition communication, group-based discussion for knowledge sharing. Guideline for development competency and efficiently of local staff were job honest. On February 15, 2016 the ministry general inspectors survey of government. 2) The satisfaction of local staff and community leaders of development Anti-corruption knowledge were high rank follow: knowledge, management and approach. 3) Satisfaction of teenage brainstorm of Anti-corruption were high rank follow: knowledge and approach. 4) The opinion of teenage of **GG** of Local staff were high rank follow: transparency, responsibility and audit, decentralize and participation, rule of law and consensus and equality. 5) The opinion of community leaders of **GG** of Local staff were high rank follow: consensus and equality, responsibility and audit, decentralize and participation, rule of law and transparency.

Keywords: Anti-corruption, Satisfaction, Opinion

Introduction

The competitiveness in organization Thailand will review strategic of human capital building and knowledge Management on concept democratic accountability. The corruption problem in Thailand crisis. (Jaruwat Sukumarnpong, 2013) The **GG** standard will development economic of poor country. (Boomanan, Boonson, 2000) The role of Loei Rajabhat University were development graduate, research, social academic Services and culture conservation on GG concept for of stakeholders; participation transparency and accountability. (www.lru.ac.th/online June 29, 2015) I am instructor of Public Administration Program activities project development Anti-corruption for local staff, community leaders and teenage. Its hoped that the results of this study will be the direction of stakeholders improving of local staff and people have participation. Thailand children have knowledge of job local staff and positive thinking of GG. Thailand government policy action plan for development services and stop kleptocracy, syndicate corruption, procurement kickbacks. Find out the development GG in this critical analysis of Thailand crisis.

Literature Review

The ultimate goals of good governance results and indicators on performance agreement. The multiple factors theory of decision making and social action was believes and disbelieves. (Thailand Good Governance, 2003) Theory of human motivation. (A.H. Maslow, 1943) The Folklore of Corruption. (Myrdal, Gunnar, 1968) Corruption was the power. (Van Roy, 1970) Power tends to corrupt, and absolute power corrupts absolutely. (Lord Acton, 1902) Political Corruption: Readings in Comparative Analysis (Heidenheimer, Arnold J., 1970). The higher education commission on higher education of students have 3 main : quality social, wisdom and learner and social harmony. (Thailand Ministry of Education, 2002)

Materials and method

Scope of the study with respect to their detail 1) development Anti-corruption knowledge of local staff and community leaders in Loei Province, Thailand 2) satisfaction of Anti-corruption knowledge 3) teenage satisfaction of brainstorm Anti-corruption 4) teenage opinion of **Good Governance (GG)** Local staff and 5) people opinion of **GG** of Local staff. The data gathering through the use of a questionnaire satisfaction of Anti-corruption knowledge, teenage satisfaction of brainstorm Anti-corruption, teenage opinion of **GG** Local staff and people opinion of **GG** of Local staff. Data gathering analyzed uses of statistical tools: frequency count and percentage, mean and standard deviation. Descriptive development Anti-corruption knowledge of local staff and community leaders in Loei Province, Thailand. The 483 sample were local staff, community leaders and teenage to be taken by simple Random sample 50 percentage. The questionnaire; satisfaction of Anti-corruption knowledge, teenage satisfaction of brainstorm Anti-corruption, teenage opinion of **GG** Local staff and people opinion of **GG** of Local staff have reliability situations .873, .890, .954 and 860. The researcher set the scale arbitrarily (Boonchom Srisaard, 2000 : 103)

4.51 - 5.00	=	Very High [VH]
3.51 - 4.50	=	High [H]
2.51 - 3.50	=	Moderate [M]
1.51 - 2.50	=	Low [L]
1.00 - 1.50	=	Very Low [VL]

Descriptive of development behaviors Anti-corruption knowledge of local staff and community leaders in Loei Province, Thailand, teenage satisfaction of brainstorm Anti-corruption. Guideline for development competency and efficiently of local staff were job honest. There were data gathering procedure and after the questionnaires are collect, the researcher tally and tabulate the results. All data in the tables are primarily taking from the questionnaires; satisfaction of Anti-corruption knowledge, teenage satisfaction of brainstorm Anti-corruption, teenage opinion of **Good Governance (GG)** Local staff and and people opinion of **GG** of Local staff.

Results

The objective of Job performance was local staff on **Good Governance (GG)** for management standard public services. The project development Anti-corruption on November 12, 2015 at Loei Rajabhat University (LRU). Field study brainstorm of teenage of Anti-corruption on November 16-17, 2015. The activities were cooperative and collaborative face-to face, knowledge acquisition communication, group-based discussion for knowledge sharing. Guideline for development competency and efficiently of local staff were job honest. On February 15, 2016 the ministry general inspectors survey of government staff and local government staff.

Table 1 Summary mean rating of satisfaction of local staff and community leaders of development Anti-corruption knowledge Loei Province, Thailand

Items	\bar{X}	S.D.	DR	Level
1. Management	4.27	0.35	H	2
2. Knowledge	4.31	0.35	H	1
3. Approach	4.25	0.40	H	3
Overall	4.28	0.22	H	

Legend: VH= Very High, H= High, M =Moderate, L= Low and VL= Very Low

Table 1 presents the overall mean ratings ($\bar{X} = 4.28$) is “High” rank follow: knowledge, management and approach.

Table 2 Summary mean rating of satisfaction of teenage brainstorm of Anti-corruption in Loei Province, Thailand

Items	\bar{X}	S.D.	DR	Level
1. Knowledge	4.26	.69	H	1
2. Approach	4.19	.76	H	2
Overall	4.22	.72	H	

Legend: VH= Very High, H= High, M =Moderate, L= Low and VL= Very Low

Table 2 presents the overall mean ratings ($\bar{X} = 4.22$) is “High” rank follow: knowledge and approach.

Table 3 Summary mean rating of satisfaction of teenage brainstorm of Anti-corruption in Loei Province, Thailand

Items	\bar{X}	S.D.	DR	Level
1. Rule of law	4.07	0.57	H	4
2. Decentralize and participation	4.15	0.56	H	3
3. Responsibility and audit	4.19	0.57	H	2
4. Transparency	4.23	0.48	H	1
5. Consensus and equality	4.05	0.46	H	5
Overall	4.14	0.33	H	

Legend: VH= Very High, H= High, M =Moderate, L= Low and VL= Very Low

Table 3 presents the overall mean ratings ($\bar{X} = 4.14$) is “High” rank follow: transparency, responsibility and audit, decentralize and participation, rule of law and consensus and equality.

Table 4 Summary mean rating of opinion of community leaders of Good Governance of Local staff in Loei Province, Thailand

Items	\bar{X}	S.D.	DR	Level
1. Rule of law	3.60	0.72	H	4
2. Decentralize and participation	3.73	0.57	H	3
3. Responsibility and audit	3.87	0.51	H	2
4. Transparency	3.00	0.63	M	5
5. Consensus and equality	3.92	0.50	H	1
Overall	3.62	0.32	H	

Legend: VH= Very High, H= High, M =Moderate, L= Low and VL= Very Low

Table 4 presents the overall mean ratings ($\bar{X} = 3.62$) is “High” rank follow: consensus and equality, responsibility and audit, decentralize and participation, rule of law and transparency.



Figure 1 Knowledge acquisition communication and discussion for innovation Loei Rajabhat University, Thailand November 12, 2015



Figure 2 Presentation knowledge sharing of Anti-corruption Loei Rajabhat University, Thailand November 12, 2015



Figure 3 Teenage brainstorm of Anti-corruption Loei Province, Thailand November 16-17, 2015



Figure 4 Presentation knowledge sharing of Anti-corruption Loei Province, Thailand November 16-17, 2015

Conclusions

Ministry of Education will supportive budget for project academic services Anti-corruption in basic school and University. Loei Rajabhat University will academic services for knowledge sharing of Anti-corruption of students in primary school. In the future, promote project seminar Anti-corruption in government organization, private organization and Thailand parliament. The student union and participation on social contract Anti-corruption activities.

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Protection against Matrimonial Cruelty under Section 498-A of Indian Penal Code: Shield or Weapon

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Abstract

According to Section 498-A of Indian Penal Code (IPC), “Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. The offence is cognizable, non-compoundable and non-bailable.” This provision has been made to protect female for domestic violence due to dowry (the durable goods, cash, and real or movable property that the bride's family gives to the bridegroom, his parents, or his relatives as a condition of the marriage). In India 24,771 dowry deaths have been reported in last three years, according to the National Crime Record Bureau.

It is surprising to learn that although, this provision was introduced in IPC for a good cause but now it is being blatantly misused by some females to harass their husband and his relatives. In many cases, this has become a new mode of blackmailing, harassment, divorce and revenge. There are myriad instances where the police have arrested elderly parents, unmarried sisters and even pregnant sister-in-laws, without any investigation due to which they have to suffer mental stress, humiliation and agony. In a few cases, the accused husbands or their family members have also committed suicide due to humiliation.

The existing legal provisions mandate that there should be an instant arrest as a result of such complaints, but recently Supreme Court in Arnesh Kumar case passed a landmark judgment that there should be no immediate arrest without investigation. This is merely a preliminary step to check this emerging menace, but there is a long way to go.

This paper discusses the affects of misuse of the provisions of section 498-A by some females in today's scenario who are using this as a weapon rather than a shield resulting in the present pathetic condition of the husband and his relatives. The paper attempts to propose with the help of case laws and statistics that strict guidelines should be issued to check the increasing misuse of 498A.

Keywords: Cruelty, Dowry, guidelines, Law, Misuse.

Introduction

It is noteworthy that as per Hindu Law 'marriage' is the voluntary union for life of one man and one woman. It is considered to be a sacred commitment made by the spouses towards each other. It is regarded to be the social alliance between two families. According to the Hindu customs and tradition bride's relative gift something as per their wish, capability and happiness to the bride and bridegroom and his family members. With the passage of time, this custom has turned into dowry, i.e. the durable goods, cash and real or movable property that the bride's family gives to the bridegroom, his parents, or his relatives as a condition of marriage. Initially, it was a gift, gradually; it becomes compulsion and demand for marriage. The demand culminated into torture and cruelty at the level of dowry death. Section 304-B of Indian Penal Code lays down that where the death of a women is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage, such death shall be treated as 'dowry death', and such husband or relative shall be deemed to have caused her death. Further, Section 498-A was included in IPC in 1983, for the protection of women against domestic violence and preventing cruelty due to dowry and to allow the state to intervene in this matter.

Section 498A defines, "Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may be extended to three years and shall also be liable to fine. The offence is Cognizable, non-compoundable and non-bailable." There is the direct arrest of a husband and his relative without investigation under this offence.

The Sections 498A and 304B of the Indian Penal Code (IPC) as well as the Protection of Women against Domestic Violence Act, 2005, are three closely-related legal and judicial provisions designed to safeguard the interests of married women in India (Achanta, 2015). While the intentions of these provisions are laudable, unfortunately in some cases these safeguards have become a means of revenge, divorce and humiliation by some females. There are many reported cases in which women have used this section as a weapon rather than a shield.

This paper discusses firstly, the nature and meaning of sections 304-B and 498-A of IPC, section 115 of Indian Evidence Act. Secondly, elucidate the rampant increase in the misuse of these sections with the help of data and statistics. Thirdly, it argues that strict guidelines should be evolved to curb its misuse.

Dowry, matrimonial cruelty and the Provisions pertaining to women's protection

Dowry is generally in the form of a payment in cash or gifts given to the bridegroom's family at the time of marriage, which includes cash, jewellery, electrical appliances, furniture, bedding, crockery, utensils and other household items that help the newlyweds to set up their home. The dowry system is thought to put the great financial burden on the bride's family (Anderson, 2007).

In some cases, the dowry system leads to a crime against women, ranging from emotional abuse, injury to even deaths. The increase of dowry death was a major concern issue in India. The payment of dowry has long been prohibited under specific Indian laws including, the Dowry Prohibition Act, 1961 and subsequently by Sections 304B was included in IPC.

Section 304-B of IPC (Dowry death) (Ratanlal, 2008):-

1. Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.
2. Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

The cases of cruelty by husband and his relatives were increasing in large number which results to commit suicide, death, burns and trauma which leads to the demand to make laws not only for the dowry protection but also against the cruelty by them. Eventually, in the code by the Criminal Law Amendment Act, 1983 (Act 46 of 1983) section 498A was introduced to deal with the matrimonial cruelty to women defined under.

Section 498A of Indian Penal Code (Ratanlal, 2008):-

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation- For the purpose of this section, “cruelty” means:-

- a. any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- b. harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

The section was enacted to combat the menace of dowry deaths. By the same Act section, 113-A has been added to the Indian Evidence Act to raise presumption regarding abetment of suicide by a married woman.

Section 113-A of Indian Evidence Act ((Ratanlal, 2009)

When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the Court may presume, having regard to all the other

circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband.

Meaning of cruelty and difference between 304B and 498A of IPC

Cruelty is a common essential in offences under both the sections 304B and 498A of IPC held in *Kaliyaperumal v. State of Tamil Nadu*¹ case. The two sections are distinct offences and persons acquitted under section 304B for the offence of dowry death can be convicted of an offence under sec.498A of IPC. The meaning of cruelty is given in explanation to section 498A. Section 304B does not contain its meaning but the meaning of cruelty or harassment as given in section 498-A applies in section 304-B as well. Under section 498-A of IPC cruelty by itself amounts to an offence whereas under section 304-B the offence is of dowry death and the death must have occurred during the course of seven years of marriage. But no such period is mentioned in section 498-A (Goyal, 2011).

In the case of *Inder Raj Malik v. Sunita Malik*², it was held that the word ‘cruelty’ is defined in the explanation which inter alia says that harassment of a woman with a view to coerce her or any related persons to meet any unlawful demand for any property or any valuable security is cruelty.

Kinds of cruelty covered under this section include following:

- (a) Cruelty by vexatious litigation
- (b) Cruelty by deprivation and wasteful habits
- (c) Cruelty by persistent demand
- (d) Cruelty by extra-marital relations
- (e) Harassment for non-dowry demand
- (f) Cruelty by non-acceptance of baby girl
- (g) Cruelty by false attacks on chastity
- (h) Taking away children

The presumption of cruelty within the meaning of section 113-A, Evidence Act, 1872 also arose making the husband guilty of abetment of suicide within the meaning of section 306 where the husband had illicit relationship with another woman and used to beat his wife making it a persistent cruelty within the meaning of Explanation (a) of section 498-A.

Whether Section 498-A creates double jeopardy?

In *Inder Raj Malik and others v. Mrs. Sumita Malik*³, it was contended that this section is *ultra vires* Article 14 and Article 20 (2) of the Constitution. There is the Dowry Prohibition Act which also deals with similar types of cases; therefore, both statutes together create a situation commonly known as double jeopardy. But Delhi High Court negatives this contention and held that this section does not create a situation for double jeopardy. Section 498-A is distinguishable from section 4 of the Dowry Prohibition Act because in the latter mere demand of dowry is punishable and the existence of an element of cruelty is not necessary, whereas section 498-A deals with aggravated form of the offence. It punishes such demands of property or valuable security from the wife or her relatives as are coupled with cruelty to her. Hence a person can be

¹ 2004 (9) SCC 157; 2004 SCC(Cr) 1417; 2003 AIR(SC) 3828.

² 1986 (2) Crimes 435; 1986 (92) CRLJ 1510; 1986 RLR 220

³ *Ibid.*

prosecuted in respect of both the offences punishable under section 4 of the Dowry Prohibition Act and this section.

Misuse of Section 498-A

Though all the provisions discussed above are made for the protection of the women against matrimonial cruelty but gradually in some cases these are being grossly misused by some estranged wives for their personal interest who have used it as an instrument to humiliate and disgrace their husbands and his relatives in some cases.

Section 498-A is non-bailable, non-compoundable and cognizable offence, due to which there is the direct arrest of a husband and his relative by the police on the report of a wife without any investigation. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

There are many cases in which Court after observing the misuse of these provisions has intervened affirmatively and redressed the grievance of the victimized husband and his relatives.

In *Jasbir Kaur v. State of Haryana*⁴, the Court observed, “It is known that an estranged wife will go to any extent to rope in as many relatives of the husband as possible in a desperate effort to salvage whatever remains of an estranged marriage.”

In *Kanaraj v. State of Punjab*⁵, the apex court observed, “for the fault of the husband the in-laws or other relatives cannot in all cases be held to be involved. The acts attributed to such persons have to be proved beyond reasonable doubt and they cannot be held responsible for mere conjectures and implications. The tendency to rope in relatives of the husband as accused has to be curbed”

Karnataka High Court, in the case of *State v. Srikanth*⁶, observed, “Roping in of the whole of the family including brothers and sisters-in-law has to be depreciated unless there is a specific material against these persons, it is not right on the part of the police to include the whole of the family as accused”

Supreme Court, In *Mohd. Hoshan v. State of A.P.*⁷ observed, “Whether one spouse has been guilty of cruelty to the other is essentially a question of fact. The impact of complaints, accusation or taunts on a person amounting to cruelty depends on various factors like the sensitivity of the victim concerned, the social background, the environment, education etc. Further, mental cruelty varies from person to person depending on the intensity of the sensitivity, degree of courage and endurance to withstand such cruelty. Each case has to be decided on its own facts whether mental cruelty is made out”

The National Crime Records Bureau releases All India Crime data every year. The report titled ‘Crime in India’ has detailed information on every type of crime registered. This report also

⁴ (1990)2 Rec Cri R 243

⁵ 2000 CriLJ 2993

⁶ 2002 CriLJ 3605

⁷ 2002 CriLJ 4124

has data on a number of cases registered under the important IPC sections and their disposal by courts (Prudhvi, 2015).

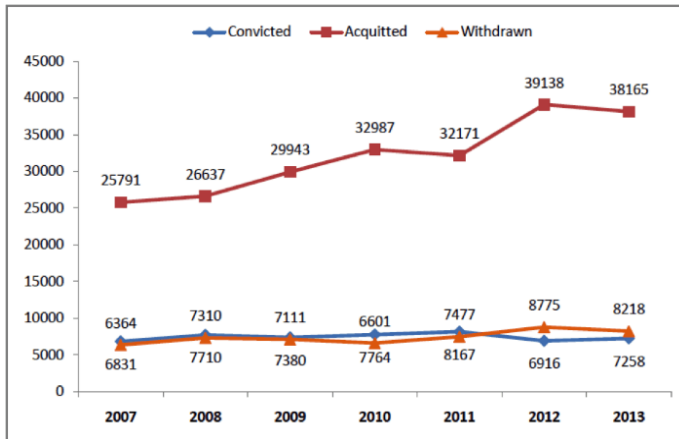
Cases Filed under 498A and disposed of by Courts							
Year	Total Cases pending trail up to that year	Convicted	Acquitted	Withdrawn	Total cases remaining at the end of year	Conviction Rate of Cases under 498A	Average Conviction Rate of all IPC crimes
2007	267600	6831	25791	6364	228614	21.2%	42.30%
2008	293416	7710	26637	7310	251759	22.7%	42.60%
2009	323355	7380	29943	7111	278921	19.9%	41.70%
2010	357343	7764	32987	6601	309991	19.6%	40.70%
2011	387690	8167	32171	7477	339902	20.6%	41.10%
2012	426922	6916	39138	8775	372706	14.4%	38.50%
2013	466079	7258	38165	8218	412438	15.6%	40.20%

Figure no-1 Prudhvi (2015)

As shown in the figure no.2, between 2007 and 2013, the number of cases being filed under Sec 498A of IPC is on the rise and there is roughly a 10% rise in the number of pending cases each year. The number of cases pending trial was around 2.67 lakh at the beginning of 2007. This number increased to 4.66 lakh at the beginning of 2013, a rise of almost 75% in 7 years (Prudhvi, 2015).

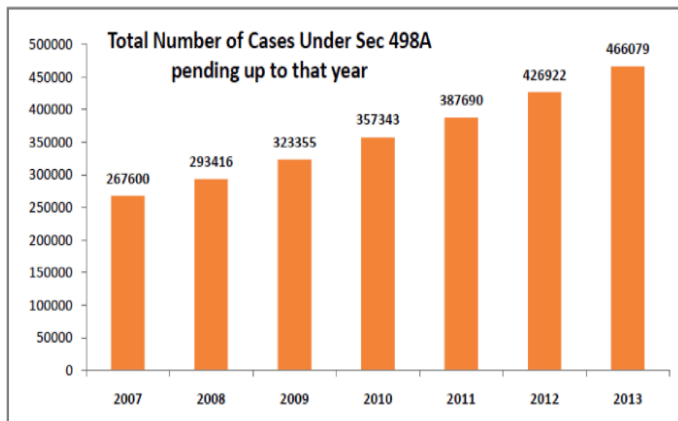
Convictions v. Acquittals

Figure no-2(Prudhvi,2015)



As is evident from figure no.2, that the number of convictions was more or less close to 7000 cases in each of these 7 years, the number of acquittals increased consistently. From 25791 acquittals in 2007, this number went up to 38165 in 2013. The number of cases withdrawn was more or less equal to the number of convictions in each of these 7 years. For every case that is resulting in conviction, 5 other cases are resulting in acquittal while one case is being withdrawn. The net result is that only one out of every 6-7 cases has resulted in conviction (Prudhvi,2015).

Figure no-3 (Prudhvi, 2015)



As per figure no.3, a total number of the pending case has been increased rapidly from 2007-2013. In these cases, as discussed in figure no.2 that 6-7 cases are generally convicted, which means others are not guilty. Yet due to the provisions (cognizable and non-bailable offence) they are arrested without investigation. The amount of agony they face is inexpressible (Prudhvi, 2015).

Landmark observations of the Court on abuse of 498-A

It is generally observed that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. There are large numbers of such complaints which are not even bona fide and are filed with oblique motive. In many landmark cases, exemplary observations have been made on the misuse of this offence.

It is interesting to note that this particular provision was made to give immediate protection to women against cruelty but now it is used even to threaten husband and his relative as in the case of *Savitri Devi v. Ramesh Chand & Ors*⁸, the court held clearly that there were a misuse and exploitation of the provisions to such an extent that it was hitting at the foundation of marriage itself and proved to be not so good for health of society at large. The court believed that authorities and lawmakers had to review the situation and apply legal provisions in such a manner in order to prevent such misuse from taking place. The Court observed, "There is a growing tendency to come out with inflated and exaggerated allegations, roping in each and

⁸ II (2003) DMC 328.

every relation of the husband. If one of them happens to be of higher status or of vulnerable standing, he or she becomes an easy prey for better bargaining and blackmailing”.

In response to the rapid increase of misuse of 498-A, Supreme Court in *Arnesh Kumar v. State of Bihar & Anr*⁹, directed the state governments to instruct the police "not to automatically arrest when a case under Section 498A of IPC is registered but to satisfy themselves about the necessity for arrest under the parameters (checklist) provided under Section 41 of CrPC". Section 41 lays down a 9-point checklist police to weigh the need to arrest after examining the conduct of the accused, including the possibility of his absconding.

Supreme Court, in the landmark judgment, *Sushil Kumar Sharma v. Union of India and others*¹⁰, has categorically observed, “The object of the provision is the prevention of the dowry menace. But sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and *intra vires*, does not give a license to unscrupulous persons to wreck personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the Courts have to take care of the situation within the existing framework”.

In *Preeti Gupta & Anr v. State Of Jharkhand & Anr*¹¹, it was observed, “The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make a serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases”.

It was further observed that “The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.”

⁹ Criminal Appeal no. 1277 of 2014.

¹⁰ JT 2005(6) 266.

¹¹ Criminal Appeal no. 1512 OF 2010.

We expect Judiciary to restrain a particular wrong but unfortunately many times instead of acting as a safeguard it becomes ammunition and is distorted by many. All the above observations indicate evidently that there is a considerate apprehension towards the unethical misuse of section 498-A. The anti-dowry law and matrimonial cruelty have become a tool for revenge for wives to use it against their husbands and in-laws, even if the conflict is not over dowry.

An important question arises out of the observations made by various Courts as well as the apex Court in this context, as to what should be the role of the Police, Judiciary and the society to solve this problem. Fortunately, the Supreme Court has come to the rescue of all such families who have been falsely arrested on such charges by giving many directions to amend the Law so that it may be used in a legitimate manner to seek justice and not as a means of revenge.

Conclusion

In a broader context marriage is an eternal bond which should be handled carefully. Dowry and matrimonial cruelty is a curse to our society, as many women are mistreated, burned and killed also as a result of this. Undoubtedly, dowry and matrimonial cruelty are unpardonable offence and should be punished severely. Keeping this in view many amendments have been made in Indian Penal Code and Indian Evidence Act. Section 304-B, 498-A and Domestic Violence Act 2015 are some of the major provisions to protect women from any type of cruelty by husband and his relatives. To protect them some provisions were enacted, but in recent times they are being misused as a weapon rather than as shield.

Unfortunately an attempt is being made to unleash a new form of legal terrorism by taking wrongful advantage of these provisions. The resultant criminal trials have lead to immense sufferings for all concerned. Even the final acquittal in the trial may also not be able to wipe out the deep scars of the suffering of ignominy. We have discussed earlier in this paper that women are using this as an instrument to humiliate and dishonor their husband and his relative sometimes even in trivial matters. A large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society.

However, by reviewing the observations made by various courts, in recent times, it is evident that the Courts have shown a deep concern over this issue. In all earnest, firstly, it should be made aailable offence. If a person is not guilty the principle of natural justice should be applied which encompasses the following two rules (Makhija): -

1. Nemo judex in causa sua - No one should be made a judge in his own case or the rule against bias.

2. Audi alteram partem - Hear the other party or the rule of fair hearing or the rule that no one should be condemned unheard.

Proper chance should be given to husband and his relatives to prove their innocence. This will at least provide an opportunity to the relatives of the husband, especially elderly people and

children who might not at all be involved in the rift between husband and wife and thereby save them from the resultant mental, physical and emotional trauma.

Secondly, it should be a compoundable offence, so that if the parties decide to either settle their disputes amicably to save the marriage or decide to put an end to their marriage by mutual divorce, they should be allowed to do so. This will allow space for estranged spouses to start their marital life afresh, if they so desire.

Thirdly, as directed by the Supreme Court no direct arrest should be made without investigation. An arrest warrant should be issued only against the main accused and only after cognizance has been taken. Husband's relatives especially children, female relatives and the elderly person should not be arrested until there is specific evidence of cruelty inflicted by them.

Fourthly, if any false case is identified then stringent action should be taken against the female making those allegations. The act of appellant in filing a false complaint case and getting her husband and other in-laws arrested clearly amounts to cruelty, and hence she should be penalized strictly.

Lastly, proper guidelines should be given to the police and investigation officers, so that they do not mishandle such sensitive cases. Both the Legislation and the Judiciary must make every effort to see that the innocent are no longer victimized. It is also imperative for the legislature in the light of the pragmatic realities to take into consideration the informed public opinion and introduce relevant changes in the existing provisions of law to ensure that there is no misuse of 498A of IPC.

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Reviving Public Service Broadcasting for Governance – A Case Study in India

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Abstract

In the age of digitalization, radio and television are regarded as traditional media. With the popularity of internet, the traditional media are perceived as a passé. This stance stays staunch to public broadcasting media. The public broadcasting media in India is witnessing a serious threat by the private sector ever since privatization policies were introduced way back in the early 90s. The private radio stations and television channels are consigned with an element of entertainment that the former public broadcasting media severely lacked. Doordarshan (DD) and All India Radio (AIR) which is a part of the broadcasting media in India in the recent time are trying to regain its lost sheen through more engaging programmes. One such effort is the programme ‘Mann Ki Baat’, an initiative by Prime Minister Narendra Modi. The programme aims at delivering the voice of Prime Minister to the public and also obtains the concerns of the masses. At a time when private television and radio stations have accomplished the mission of luring large audience in India, a government initiated programme – Mann Ki Baath has made a difference in repossessing the lost charm of public broadcasting media in India. This paper intends to explore the case study of ‘Mann Ki Baath’ programme as a prolific initiative in generating revenue to public broadcasting media and also accenting the ideas of the government.

Keywords: Traditional media, Mann Ki Baath, Public broadcast, Traditional media for Governance

Understanding public service broadcasting in India

Public service broadcasting in India is encountering remarkable threat from private media forms. At a time of incredible technological progress and severe competition from private broadcasting media, the public broadcasting media still ceases to exist with all the antagonism. To comprehend public service broadcasting in India, it is essential to understand PrasarBharati- Public Service Broadcaster of the country.

PrasarBharati is a statutory autonomous body established under the PrasarBharati Act and came into existence on 23.11.1997. It is the Public Service Broadcaster of the country. The objectives of public service broadcasting are achieved in terms of PrasarBharati Act through **All India Radio and Doordarshan**, which earlier were working as media units under the Ministry of Information & Broadcasting and since the above said date became constituents of PrasarBharati.

All India Radio (AIR) now under PrasarBharati has the distinction of being one of the major broadcasting organizations in the world. The News Services Division (NSD) of All India Radio disseminates news and comments to listeners in India and abroad. From 27 news bulletins in 1939-40, AIR today puts more than 654 bulletins daily around 55 hours in 91 languages/dialects in the Home, Regional and External Services.

The history of news broadcasting in India is much older than that of All India Radio. The first ever news bulletin in the country went on the air from the Bombay Station on July 23, 1927 under a private company, the Indian Broadcasting Company. A month later on August 26, 1927 another bulletin in Bengali was started from the Calcutta Station. Until 1935, two bulletins, one each in English and Hindustani were broadcast from Bombay and a bulletin in Bengali was broadcast from Calcutta. The Indian Broadcasting Company went into liquidation in March, 1930 following which broadcasting came under the direct control of the Government of India. The service was designated as the Indian State Broadcasting Service. It was renamed All India Radio on June 8, 1936.

The real breakthrough in news broadcasting came after January 1936 when the first news bulletin from the Delhi Station went on the air on January 19, 1936 coinciding with the starting of its transmission. Besides, news bulletins in English and Hindustani, talks on current affairs were also started from the Station in both the languages.

The Central News Organization was set up on August 1, 1937. Mr. Charles Barnes took charge as the first News Editor in September and he later became the first Director of News. The outbreak of the Second World War in 1939 gave an impetus to the development of the Organization. The Monitoring Service was set up in 1939 to monitor foreign broadcasts. In 1943, the External Broadcast Unit was set up under the Director of News. By 1945, the Central News Organization was handling news bulletins in different Indian languages as well as in the External Services.

After Independence, news broadcasts of AIR grew both in quantity and quality. More emphasis was laid on national and regional news bulletins (newsonair.com 2016). Definitely, both AIR and DD have come a long way since their inception. Usha M. Rodrigues in her work Indian Media in a Globalised World points out that Indian Government need to commit itself for the existence of public service broadcasting in the country.

Ultimately, what is required is the political will, accentuated by enlightened public pressure, to allow public service broadcasting in India to fulfil its objective of ‘informing, educating and entertaining the entire population.

Objectives and Methodology

This paper aims to throw light on the potential of the public service broadcasting in India with a case study of Mann Ki Baath – a radio programme on AIR (All India Radio) which is also aired on DD (Doordarshan) and Doordarshan News. The programme is hosted by the Prime Minister of India Mr. Narendra Modi. The first episode of Mann Ki Baath was aired on AIR (All India Radio) on October 3rd, 2014 and as on August 28th 2016, 23 episodes have been broadcasted. Various social concerns have been addressed by the Prime Minister every month. Some of the issues include but not limited to drug abuse, cleanliness programmes, farmers issues, soldiers concerns, organ donation etc.,.

This paper employs case study method to explore Mann Ki Baat and study the promotion of Khadi culture through Mann Ki Baat. Alongside, the paper also tries to examine Mann Ki Baat as a medium to spread awareness about Yoga.

Chronicles of Mann Ki Baat

Mann Ki Baat is a radio programme addressed by the current Indian Prime Minister Mr. Narendra Modi. The Indian radio programme Mann ki Baat employs Doordarshan National, Doordarshan News and All India Radio which are the division of the public broadcasting media in India. Siraj Quraishi, the *Ex-Deputy Director General Doordarshan, India in the e-paper Greater Kashmir points out the importance of the programme Mann Ki Baat*

“To lend it widest reach and deepest penetration, the programme is aired by all stations / channels of AIR simultaneously. In order to boost the thrust further, the programme is repeated in all the regional languages of the country by various regional stations in a prime time evening slot at 2000 hours. Additionally, various private FM Radio Stations in the metropolitan cities of India have been roped in to broadcast recording of the show. Doordarshan’s *Direct To Home (DTH)* service relays twenty minute capsule. An estimated ninety percent of India’s population is netted in across the country. In order to cater to isolated, rural and less developed regions, Radio was chosen as the medium. Some channels of AIR have considerable footprint overseas as well.”

Table 1: Chronology of Mann Ki Baat from 3rd October 2014 to 31st July 2016

<i>Date</i>	<i>Month</i>	<i>Year</i>
3	October	2014
2	November	
14	December	
27	January	2015
22	February	
22	March	
26	April	
31	May	
28	June	
26	July	
30	August	
20	September	
25	October	
29	November	
27	December	
31	January	2016
28	February	
27	March	
24	April	
22	May	
26	June	
31	July	

As the paper aims to explore the allusions made by Prime Minister Narendra Modi to promote Khadi and Yoga through Mann Ki Baath, all the episodes between the timeline of 3rd October 2014 to 31st July 2016 are examined to vindicate the case study.

3rd October 2014 – 2nd November 2014

The first episode of Mann Ki Baath was on aired on AIR, 3rd October 2014 which coincided with Dussehra - a festival that marks the victory of good over evil. In the first show Mr. Narendra Modi made a reference to the auspicious festival that commemorates a new beginning and indicated the importance of cleanliness in India. The programme was backed by the official website www.narendramodi.in and MyGov.in which is a citizen engagement social media platform. In response to the first show, the Prime Minister used the social media as an extension to reach out to the audience.

“Sometimes I feel the Nation is way ahead and the government is lacking behind. And from my personal experience I will say that the governments too need to change their mindsets. And I say that because I can see tremendous sense of commitment in the Indian youth. They are very eager to do their bit and are just seeking an opportunity where they can do their bit. And they are making efforts at their own end. Last time I had asked them to buy at least one khadi outfit. I had not asked anyone to be Khadidhari, but the feedback I got from Khadi stores was that in a week’s time the sales had jumped up by 125%. In this way, as compared to last year the sales this year is more than double in the week following 2nd Oct. This means, the people of our country is many times more than we think of. I salute all my fellow Indians.”

(Text of Prime Minister’s Mann Ki Baath’ on All India Radio; November 2, 2014)

All India Radio extracted larger revenues from Mann Ki Baath. A 10-second ad slot for the show on AIR costed about 2 lakh rupees while the usual ad slots sold for INR 500-1500 per 10 seconds (India Today, 2015).

14th December 2014

Prime Minister Narendra Modi on 14th December 2014 speech stated the commemoration of Yoga Day. International Day of Yoga also commonly referred to as Yoga Day, is celebrated annually on June 21 since its inception in 2015. An international day for yoga was professed by the United Nations General Assembly (UNGA) December 11, 2014 unanimously. The idea of an International Day of Yoga was first proposed by Narendra Modi during his speech at the UNGA, on September 27, 2014.

‘Yoga is an invaluable gift of India's ancient tradition. This tradition is 15000 years old. It embodies unity of mind and body; thought and action; restraint and fulfilment; harmony between man and nature; a holistic approach to health and well-being. It is not about exercise but to discover the sense of oneness with yourself, the world and the nature. By changing our lifestyle and creating consciousness, it can help in well being. Let us work towards adopting an International Yoga Day.’

—Narendra Modi, UN General Assembly

Following this initial proposal, the United Nations General Assembly held informal consultations on the draft resolution entitled "International Day of Yoga", on October 14, 2014. The consultations were convened by the delegation of India. Prime Minister Modi in his speech on Mann Ki Baat made a mention of Yoga Day. The United Nations has decided to celebrate June 21st as International Yoga Day. It is a matter of great pride and honour for India. Our ancestors developed a beautiful tradition and today the entire world is associated with it. It does not merely benefit one personally but it has the potential to bring all the people together globally.

31st May 2015

On the episode of 31st May, Prime Minister Modi recollected the Yoga Day that was proposed in the UN General Assembly in 2014.

‘My dear countrymen! Do you remember this date, 21st June? Generally, 21st June is remembered as the longest day of the year. But, recently this date has gained a new significance in the world. In September, last year, I had raised a subject and proposed to celebrate 21st June as International Yoga day while addressing the United Nations Assembly. The whole world was astonished, and you will also be surprised to know that within hundred days, we got support from 177 countries and this proposal was successfully passed. In the history of United Nations, such huge numbers of supporters from different countries were seen for the first time. This proposal was passed in a very short span of time, with the support of various countries around the world. This is a proud moment for every Indian.’

Prime Minister Narendra Modi also urged the Indians to learn about Yoga and spread awareness about the same. He said ‘Please call up your relatives and friends staying in different parts of the world and ask them to gather in groups and celebrate Yoga day. If they have no knowledge of Yoga, ask them to take help from books. Read and explain the importance of Yoga in our lives. You can also read various letters on Yoga.’

28th June 2015

On the episode of 28th June Prime Minister Modi spoke about the overwhelming reaction to International Yoga Day. The event was embraced internationally where in people of France took to Eiffel Tower and River Seine to perform Yoga. In New York, United States of America the public performed Yoga at Times Square. These anecdotes took recognition in Mann Ki Baat speech.

‘On 21st June when I saw Mr. Ban Ki-Moon, UN Secretary General doing yoga at UN Headquarters, I was really delighted. Similarly, UN Peace Keeping Force did a spectacular display of Yoga. In India, our soldiers too were doing yoga in Siachen on white sheet of snow and on sea too, wherever our naval ships are posted, the yoga program was being carried out by Indian Navy. Delhi made it to the Guinness Book of World Records. Rajpath turned into the Yogpath that day. I am thankful to India and the rest of the world and can say that the International Yoga Day was not for namesake. It

seemed as if that from every corner of the world, there was a new inquisitiveness, new joy, new hope and new connection.’

The episode also made a mention of the Department of AYUSH which is recently gaining popularity in India. The Ministry of AYUSH was formed on 9th November 2014 to ensure the optimal development and propagation of AYUSH systems of health care. Earlier it was known as the Department of Indian System of Medicine and Homeopathy (ISM&H) which was created in March 1995 and renamed as Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) in November 2003, with focused attention for development of Education and Research in Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (Ministry of AYUSH 2016).

Can you imagine that there is a department under Government named Ayush. Nobody has paid attention towards this department. The only mention Ayush in some corner of the newspaper being a small department is once in 2 to 5 years. But it led on the International Yoga Day. It was this small department that organized this event in the entire world. Therefore, this is an example that if there is an aim then even a small department can do a supreme job.

(Text of Prime Minister’s Mann Ki Baath’ on All India Radio; June 28, 2015)

With Yoga gaining through acceptance, AYUSH Ministry has also taken the responsibility to certify institutes imparting training in the ancient discipline for physical and mental well-being to ensure quality control and check. The ministry has notified yoga institutes across the country to apply for government certification by the end of 2016.

(The Hindu, BusinessLine)

20th September 2015

The episode of 20th September 2015 denoted the leap in Khadi culture. Today, I can say with great satisfaction that in the past one year the sales of Khadi have almost doubled. Now see, there was no government advertisement. Nor were lakhs and crores spent. A simple feeling and realization by the people has brought this change.

Minister of Micro, Small and Medium Enterprises Kalraj Mishra said that after the PM's appeal, growth in sales rocketed to a 17.55% from October 2014 to March 2015, which is an almost three fold increase when compared to the previous corresponding period. After the appeal, growth in production increased by almost 6 times to 31.1% from October 2014 to March 2015 over the previous corresponding period. In 2014-15, Khadi production has reached Rs. 880 crore registering an increase of around 8.5% over 2013-14. (Press Information Bureau Government of India 2015)

27th December 2015

This episode also made a reference to the growing popularity of Yoga.

‘Every Indian is proud to know how the world is accepting and getting attracted towards Yoga.’

31st January 2016

The episode outline Prime Minister’s gratitude towards Khadi buyers and also the response received from Khadi makers.

Khadi is becoming the center of attraction for the young generation and has become a perfect solution for those who have an inclination for organic and holistic health care. Few days ago, Railway Ministry, Police Department, Indian Navy, Postal Department of Uttarakhand and many such government organizations took initiative to promote the use of khadi. I was told that, efforts from the government organizations will result in more work for people in this sector, will generate employment of additional 18 lakh man days to fulfill the requirements, serve the needs of the government, which in turn would be a big jump in itself. It has made it more efficient, production is higher and there is an enhancement in quality of the yarn. I have received many letters especially on the solar charkha. Geeta Devi and Komal Devi from Dausa in Rajasthan, and Sadhna Devi from Nawada district in Bihar have written to me saying that solar charkhas has made remarkable changes in their lives. “Our income has doubled and there has been a rise in demand for our yarn”.

Solar looms (Charakhas) was initiated to increase production and simplify the process which will use less water, generate employment and boost productivity.

“A weaver can earn about Rs.100 on the solar charkha as against the Rs.40 they get for manual weaving. This will especially help women who from the bulk of khadi workers,”

Arun Kumar Jha, Chief Executive Officer Of

Khadi and Village Industry Commission (indiaclimatedialogue.net)

28th February 2016

In the episode of 28th February 2016, the Prime Minister addressed the student community to embrace yoga to manage stress during examinations.

Just see how many people on my mobile App... Shri Atanu Mandal, Shri Kunal Gupta, Shri Sushant Kumar, Shri K.G. Anand, Shri Abhijeet Kulkarni... countless people have spoken about meditation and emphasized the beneficial effect of Yoga. Friends, if I ask you to start doing Yoga from tomorrow morning then that would be unfair. But those who are already practicing Yoga should not stop it during exam time. If you do Yoga, keep doing it. One thing is for sure, whether it is your student days or any other phase of your life, Yoga is a major key to the development of your inner mind. It is one of the simplest keys; you must pay more attention to it.

Yes, if you have someone nearby who knows Yoga, and if you ask them during your exams, and even if you have never done Yoga before, they will surely be able to tell you a few things to do in Yoga that can very easily be done in a few minutes. See if you can do it. I have a lot of faith in Yoga.

A minor research conducted in India titled

‘A study on the impact on stress and anxiety through Yoga nidra’ reveals benefits of Yoga. The study aimed at finding out the effect of Yoga nidra on stress and anxiety on college going students. The study conducted at the Yoga clinic of Dev Sanskriti Vishwavidyalaya. Practice time was 30 min the duration was 6 months. 80 students were taken from PG Yoga classes for observing the effect as well as 30 was in control group. The result shows a significant change in the practice group as Yoga nidra positively decreased the stress level of the male and female subjects.’

(Kamakhya Kumar, Indian Journal of Traditional Knowledge Vol. 7(3), July 2008, pp. 401-404)

27th March 2016

In the episode of 27th March 2016 Prime Minister Narendra Modi on ‘Mann Ki Baat’ programme, spoke about good health ahead of World Health Day that was to be celebrated on 7th April. The Prime Minister mentioned that India will be healthy if its citizens are healthy and alleged the World Health Day is dedicated to diabetes this year.

Drawing inspiration from this year’s World Health Day and its theme, do something to defeat Diabetes in our personal life? If you are interested in Yoga, then do Yoga. Or else, the least you can do is to go for a walk or a run. If every citizen of my country is healthy, then my country will be healthy.

22nd May 2016

In the episode of 22nd May 2016 Prime Minister Narendra Modi on 'Mann Ki Baat' programme urged the public to equip for the International Yoga Day celebrated on 21st June.

21st June, International Yog Day is not just a mere event. It should spread wide; it should find a place in every person's life. I do hope that on 21st June, wherever you may be, please take the initiative; you have a month with you. If you visit the website of the Government of India, the syllabus for this time, which 'asanas' you have to do, how one has to do them, all that has been described in it. Have a look at it. Do get these followed in your village, in your mohallas, in your city, in your school, in your institution, even in offices. Start it from now, one month in advance and you will be a participating partner on 21st June.

26th June 2016

In the episode of 26th June 2016 Prime Minister Narendra Modi on 'Mann Ki Baat' programme, highlighted the benefits of Yoga. In India, various states held yoga sessions, where people turned out in large numbers to practice the ancient Indian discipline.(The New Indian Express).

Prime Minister Narendra Modi too participated in a mass yoga demonstration at the Capitol Complex in Chandigarh, where over 30,000 people, including 100 differently-abled children were present. The theme this year's event, which began at 6:30 am, was to 'Connect the Youth'. (Twitter/@PIB India)

This is a day linked with good health and it has now turned into a people's mass movement... Today more and more gynecologists are recommending Yoga for pregnant women... Make Yoga a part of your life just like you have made mobile phones a part of your life.. Yoga is for the theists and the atheists alike. It is not a religious activity. It is a zero budget health insurance.

Findings and Conclusions

The paper establishes that public service broadcasting can be used efficiently to fulfill its prime purpose of 'informing, educating and entertaining' the audience in the country. Public service broadcasting can be revived by government initiatives to gain the attention of the public which can then be accentuated by the internet. It can be a vital instrument to combat health issues by endorsing yoga and also recuperate home based textiles such as Khadi which facilitates self-reliance. The content brought by opinion leaders such as Prime Ministers can be recycled to generate higher revenue to public service broadcasting media to revive its lost glory of the past as both AIR and DD have the highest reach in India.

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The Quest of Management in Ombudsman Institution as Public Private Partnership

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Abstract

The local government has an obligation to provide good public service to realize the implementation of clean government and good governance. Ombudsman institution is a public service supervisor based on Governor Regulation of Yogyakarta. Ombudsman institutions aim to encourage the realization of good local governance processes, and this paper seeks the development of new services of management in ombudsman institution as public – private partnership. The challenges also come to the public officials must be open and innovative strategies which merge two institutions into one institution for improving the effectiveness of ombudsman institution. What factors and policy requirement for successful PPPs implementation especially in ombudsman institution in Yogyakarta. The changing in ombudsman institution, where the ombudsman as an independent institution, whether it is with public-private partnership can bring benefits or otherwise.

Keywords: Public-Private Partnership, Organization Functions, Services, and Organizational Setting.

A. INTRODUCTION

The local government has an obligation to provide good public service to realize the implementation of clean government and good governance. Society empowerment by involving the public to supervise the government to avoid practices harmful to the society. Moreover, the establishment of an Ombudsman can support the fulfilment of public supervision.

Regional ombudsman institutions in Yogyakarta, which is present since June 30, 2004, based on Governor decision No. 134 of 2004 about the formation of ombudsman institution in Yogyakarta, the implementation of function is "intermediary" among the society as users of public services and local government as service provider. (Raharjo, 2009).

Ombudsman institution is an institution of public service supervisors based on Governor Regulation. Ombudsman function as supervisory institutions, community mediation services for the implementation of local government and private business practices. Ombudsman as an independent institution, the functions based on the mandate of the governor regulation No. 69 of 2014 as the legal basis and guidelines for ombudsman institution. It is about the organization and working procedures of the ombudsman institution in Yogyakarta, there are two ombudsman institution in Yogyakarta, First, the regional ombudsman institution (Lembaga Ombudsman Daerah, LOD) which handles public services which manages some districts and city in Yogyakarta Province, namely: Bantul, Sleman, Gunung Kidul, Kulon Progo and the city of Yogyakarta. The private ombudsman institution (Lembaga ombudsman swasta, LOS), which manages service in the private sector including private companies in DIY, in January 2015, in term of effective and efficiency considerations both ombudsman institution merge into one institution which is Ombudsman institution (Lembaga ombudsman, LO) based on Governor regulation, Due ombudsman working under the mandate of the governor, the ombudsman institution is responsible directly to the local government of Yogyakarta.

Ombudsman institution was established as a supervisory institution and mediation of public complaints in the term of public services, during three years which began in 2015, the governor established ombudsman institution to realize good governance. The establishment of ombudsman institution are to encourage the realization of good local governance processes, clean government, free from corruption, collusion, nepotism, abuse of authority, position, not arbitrary, and also to help every citizen to obtain good service, qualified and professionals. Moreover, ombudsman institution aims to improve the quality of local governance processes for citizen to get justice, safety, and prosperity.

The fact in the field that people were bewildered to report the cases to two ombudsman institution which is maintained by the government and private, the merger into one institution of ombudsman, the society will be easier to report the cases, and facilitate the function of ombudsman institution, this merger will remain the selection of cases and the performance area will become widespread because that they will handle cases which are in government and private. The merger of two ombudsman institution that one managed by the government and the other one

managed by private, that currently becomes a government agency that is ombudsman institution, the merger of two institutions are the concept of public-private partnership (PPP).

“Public-private partnerships are often touted as a “best-of-both-worlds” alternative to public provision and privatization, (Sharma & Bindal, 2014). In this study, the reason why the research on a public-private partnership becomes important which are, *first*, the changing in ombudsman institution, where the ombudsman as an independent institution, whether it is with public-private partnership can bring benefits or otherwise. *Second*, the practices of public-private partnership in ombudsman institution, *third*, Does the change of setting in ombudsman agency as the public-private partnership has fulfilled the expectation.

Significance of the Study

This research about the quest of Ombudsman Institution DIY as Public Private Partnership, the indicators are:

- a. Changing in Ombudsman Institution (Organizational setting)
- b. Functioning of Ombudsman Institution (Organizational functions)
- c. Statistic of Public Reports (Customer)

B. THEORETICAL FRAMEWORK

The Concept of Public-Private Partnership

There are many definitions of public-private partnership; the difference is also the government's priorities and strategies in implementing public-private partnership, particularly in the ombudsman institution. However, in this study, there are several definitions of public-private partnership, a broad view of PPPs, as a long-term contract between a private party and a government agency, for providing a public asset or service, in which the private party bears significant risk and management responsibility (The World Bank, 2012). PPP is an institutionalized form of cooperation of public and private actors, which on the basis of their own indigenous objectives, work together towards a joint target (Nijkamp, Van der, & Vindigni G, 2002). The Cooperation to be characterized by mutually agreed objectives, a shared understanding of the most rational division of labour based on advantages for each partner's mutual respect, equal participation in decision-making, mutual accountability and transparent (Brinkerhoof, 2002) in (Xu & Morgan, 2012). According to Merriam Webster (2011), collaboration simply means "to cooperate with an agency or instrumentality with which one is not immediately connected." In a PPP context, collaboration means cooperation with external organizations or parts. In other words, collaboration is two or more organizations working together toward a common goal. There are five key elements in collaboration: (1) agreeing to work together, (2) planning, (3) assessing progress, (4) improving performance, (5) allocating and mobilizing resource. (Xu & Morgan, 2012). In a public management context may be defined

as a structure of independence involving multiple organizations where one unit is not merely the formal subordinate of the others in some larger hierarchal arrangement.

C. RESEARCH METHODS

Qualitative method is the main method in this research which used to carry out and analyze the data. Qualitative research involves the studied use and collection of a variety of empirical materials case study, personal experience, observation and describes the problematic moments (Denzim & lincoln, 2000). Data used in this study is that the data obtained from the study as Deep Interview with directly to the object of research. The research data is correlated with the theories obtained from books, various journal articles, documents, which related to public-private partnership in ombudsman institution in Yogyakarta, reflects an attempt to secure an in-depth understanding of public-private partnership. (Flick, 2002). This study uses in-depth interview technique by asking questions directly to the subject, and subject is those considered to have knowledge the relevant with this research. This method is used to obtain clear and in-depth information about various aspects, especially respondents who have a determining role in the organization, to obtain responses, their opinions of the data or information needed. It could be a measuring tool to determine the changing within ombudsman institution. This research conducted in Yogyakarta province, especially in the ombudsman institution of Yogyakarta. Due two ombudsman institution which is maintained by the government and private, the only one province that merger into one of ombudsman institutions.

Data collection is done by describing the data to understand what is happening based on the data that has been presented (Bogdan & Taylor, 2007). The conclusion from the entire data of each variable by comparing the data obtained from the various sources to see the possible variations that occurs, based on findings could be conclude become the conclusions.

D. RESULT AND ANALYSIS

In order to find out the goals of ombudsman institution as a public-private partnership, the goals in the organization are important to determine achievement for understanding the successful in the organization.

Vision:

“The realization of good governance and clean government of the local government, the operation of private businesses that are ethical and sustainable”.

Mission:

- a. To provide an understanding to the public about ombudsman institution, and public services based on the basic rights of citizens easily, fast, and fair. Strengthen public participation in control and supervision.

- b. Serve and resolve public complaints about irregularities in the public service, based on the basic rights of citizens organized by the local government and private businesses with the principle of an independent, impartial and non-discrimination.
- c. Conducting research and policy review on public affairs.
- d. To coordinate and good cooperation with various institutions, good government, government enterprises, and non-government to promote and realize good governance and clean governance of local government, private businesses that are ethical and sustainable.
- e. To monitor and evaluate related to the functions, duties and authority ombudsman institution in Yogyakarta.

Strategy:

- a. Providing the widest access to the public in complaints or reports related to public services by local government officials, local government enterprise, and private business with easy and affordable systems.
- b. Provide understanding to the public about the duties, functions and authority of ombudsman institution, strengthen community participation in control and supervision.
- c. Conduct research and policy reviews on public affairs.
- d. Encourage the establishment of internal units complaints to the government of Yogyakarta, arrange Minimum Service Standards, Community Satisfaction Index.
- e. Encourage regulation / policy in the Public Service at the District / City.
- f. Strengthen cooperation and networking with stakeholders, government and non-government to promote and to realize good local governance and private business.
- g. Developing and strengthen the institutional capacity to improve professionalism in the handling of complaints by the Standard Operating Procedure and based on minimum service standards.

1. Organizational setting

Yogyakarta Province is the first province forming regional ombudsman. Based on governor's decision number 134 years 2004 DIY (*Daerah Istimewa Yogyakarta*) known integrated civil service reforms, the establishment of ombudsman Institution is to implement intermediary between the public as users of public services and the government as public service providers. Ombudsman institutions has several fields, namely:

- a. Services sectors, Investigation and Handling Reports
- b. Socialization sectors, cooperation and strengthening communities
- c. Monitoring and Evaluation Division
- d. Research, development, and institutional strengthening
- e. Institutional program

Each Division has its duties accordance with division which headed by the chairman of the organizational structure of ombudsman institutions. Private Ombudsman institution

established through Governor Regulation No. 22 of 2008 to encourage the establishment of corporate governance in the private sector that are ethical and sustainable. In the last year membership period of 2012 - 2015, Because based on Governor Regulation (Pergub) Numbers 69 Year 2014 About the Organization and performance of Ombudsman institution in Yogyakarta, it is declared that the existence of Private Ombudsman Institution and Regional ombudsman Institution merged into regional ombudsman, started on 2015-2018.

This merger will not remove the role both Institutions. Merger only as a form of effectiveness and efficiency of the public service, there is no fundamental change in the ombudsman institution besides to optimization of the public service in Yogyakarta and supported by the governor's decision, the merger of ombudsman institutions in the organizational structure, it does not limit the scope of ombudsman institution in accepting the cases which reported by the public.

This merger will remain the selection of cases and the performance area will become widespread because of handling cases which are in government and private. The merger of two institutions is the concept of public-private partnership (PPP). Public-private partnership is also a new step for the government to increase optimization of governance processes, by providing opportunities for public participation to improve the quality of public services.

Ombudsman institutions have the power to supervise the running of the government, especially in the field of public service, because of the ombudsman institution at the level of regions or level one. Transitional changes in the ombudsman institutions that merged into ombudsman institutions, which previously managed by the government and private, Ombudsman as a mediator between the society and the government, Generally the form of supervision in the form of morality, consideration and recommendations, ombudsman institution as balance between government apparatus with the public also as independent institution which is not binding to any party, independent agency, structural, functional and personal, with this independence, the ombudsman act objectively, fairly and impartial.

2. Organizational functions

Based on governor's decree No. 21 of 2008 about the organization and functioning of the Regional Ombudsman in the special province of Yogyakarta. Then, the ombudsman institution has a function as supervisory agency, mediation, Public service to the local governance processes based on the principle of government in realizing democracy and improve the quality of public services. In position, ombudsman institution cannot decide and establish legal sanctions against the reports received by ombudsman from the public, but as an institution that will receive reports from the public in the form of recommendations to the parties concerned. It is also stated by Moeljo Rahardjo:

“Ombudsman institutions cannot decide legal (Magistrate of Sanction), but can give effect to government apparatus in implementing its performance (Raharjo, 2009)

In essence, the product issued by the ombudsman institution in the form of recommendations, certain recommendations to the local government to make improvements in the process of public services. Basically, not all complaints can be resolved because each complaint must identify to determine the completeness of the documents, there are complaints which merely consultation only, not up to the stage of handling.

The recommendation issued non-legally binding, but that is morally binding, the principle that morally binding ombudsman recommendations applicable universally. Other characteristics that LOD function as magistrate of influence, not as magistrates of suction (Rayanto, 2009)

In the function, the term that can be reported to the ombudsman institution is all business institutions established by the government, local governments and private (group or individual) that operates in the DIY commercially and socially. The position of ombudsman institution as a public supervisory agency is the contribution of the public to supervise the implementation of local government and also to encourage a culture of bureaucratic reform of local government more open.

In creating good coordination within institutions, ombudsman implement mechanisms and communication is participant and coordinating, promoting membership participation in executing the functions and duties without losing coordination in every sector, top-down system is used to determine the policy and bottom-up as participation and input in ombudsman institution.

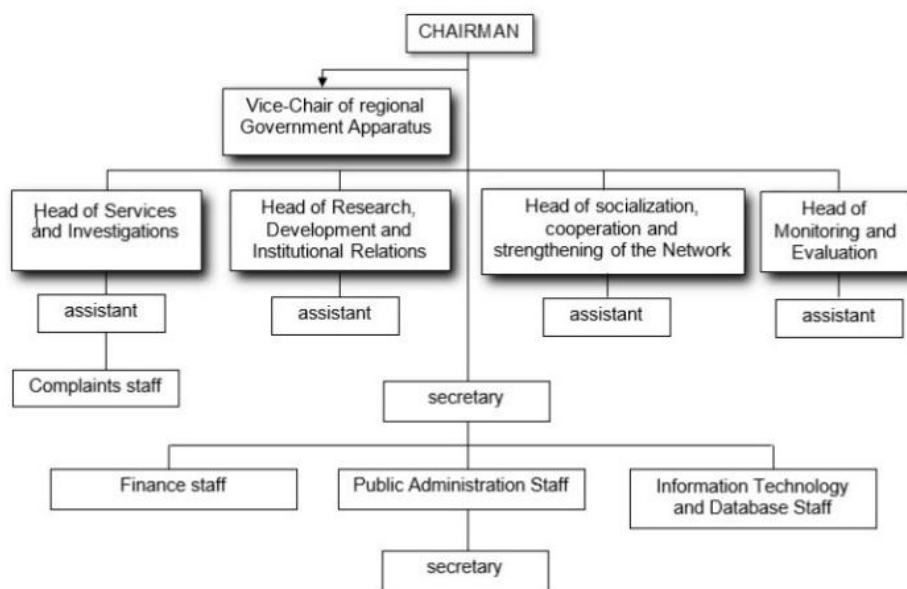
The Finding in Ombudsman Institution based on Organizational Functions.

Components	Result in Ombudsman
Organizational structures	Top down and Bottom up Hierarchy
Mechanism and Communication	Participant and coordinating
Organizational leadership	Democratic Leadership “power, control, authority”
participation	Personal integrity, integrated civil service reforms
Work culture	Continual learning
General Management	Performing functions in decision making, Managing, Clarifying.
Legal Basis	Governor regulation No. 69 of 2014 and Constitution 1945
Organizational Change	Job description, public-private partnerships (PPPs)

Sources: Based on Research in Ombudsman Institution 2015

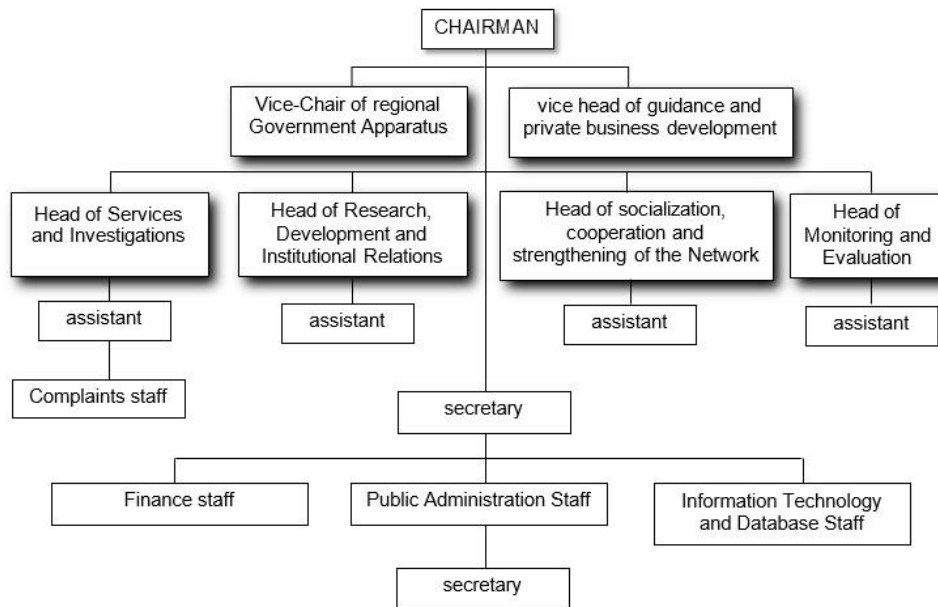
In the organizational structure, after the merger of two institutions into one regional ombudsman institutions, there are some changes in the organizational structure in the Ombudsman institution, started from deputy chairman previously only one vice chairman in charge of the regional ombudsman and private ombudsman. Then, after the merger of ombudsman institution have two vice-chairman in charge of the affairs of government and the private sector in one organization, in essence, although the merger into regional ombudsman institutions do not eliminate functions in the new organizational structure, still there is a division in charge of the problem areas of the government apparatus (in general indication is maladministration) and private (private business ethics violations).

Figure 1.1 the organizational structure of ombudsman institution. Before the merging of the ombudsman institution.



Sources: Regional Ombudsman DIY, 2014

Figure 1.2 the organizational structure of regional ombudsman institution. After the merging of the ombudsman institution.



Sources: Regional Ombudsman DIY, 2015

3. Customer

In this research also compared the rate of effectiveness in the ombudsman institution after the merger of two institutions into one regional Ombudsman institution, by looking at the amount of community participation report cases to the ombudsman institution as a public supervisor institutions, in the below are the number of community participation that reported cases to the Ombudsman institutions.

NO	Ombudsman institutions regional and private in 2014	I period	J/F/M/A/M
	Regional ombudsman institutions in May 2015		
1	consultations	65	80
2	complaints	33	41
3	Total consultations and complaints	98	121

Sources: Regional Ombudsman DIY, 2015

From the data above, it can be seen that in the previous period, before the merger of two ombudsman institutions in the last year, by looking at the amount of public participation, the numbers of consultations and complaints to the Ombudsman institutions amounted only 98 cases in one period. Then, after the merger ombudsman institution into regional ombudsman institutions based on governor decision which started in January 2015, it can be seen that increasing the level of public participation in reporting cases amounted 121 cases in the last 5 months. In this case, the public no longer confusion in reporting the cases to the Ombudsman institutions that become one institution, that is regional ombudsman institution in Yogyakarta, in the organizational structure there is a division of cases that will be handled by the ombudsman institution. The problems of the government apparatus, the general indication is maladministration and private business ethics violations.

Conclusion

The establishment of ombudsman Institution is to implement intermediary between the public as users of public services and the government as public service providers. The merger of two institutions as a public-private partnership, Public-private partnership is also a new government as a step to increase optimization of governance processes, by providing opportunities for public participation to improve the quality of public services, which began in early 2015, This merger will not remove the role that both Institutions. Merger only as a form of effectiveness and efficiency of the public service, First, changing in the ombudsman institution is the organizational structure. Second, based on governor's decree No. 21 of 2008 about the organization and functioning of the Regional Ombudsman because of the special province status of Yogyakarta, the ombudsman institution has a function as supervisory agency, mediation, Public service to the local governance processes, In the institutional status, ombudsman institutions has the power to supervise the running of the government, especially in the field of public service.

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