

The Code of Ethics For Political Parties

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There have been four examples of ministers and high dignitaries resigning their posts after independence. The first was T.T. Kishnamachari, who resigned as Finance Minister because of certain allegations relating to the Life Insurance Corporation of India. The second was Lal Bahadur Shastri, who resigned as Railway Minister because of a train accident which killed a number of passengers but in which Lal Bahadurji himself had neither been negligent nor remiss in his duties. The third was Madhavrao Scindia, who resigned as Civil Aviation Minister because of a plane crash of an Airbus 320 at Hyderabad, despite the fact that this was a pure case of pilot error. The fourth case is of L.K. Advani, who resigned from all public offices, including in the BJP organisations, because of the Jain Hawala case in which subsequent investigation showed that he had no hand. These four politicians showed high regard for the posts that they held and acted in accordance with highest standards of probity and conduct which their status demanded. Incidentally, no one forced them to resign and the initiative came from each of them, born out of conscience. It is not that there has been no other resignation since then, with that of Virbhadr Singh being the latest. Earlier two Chief Ministers of Maharashtra also resigned. In every one of these cases the resignation had come as a result of proven wrongdoing in which there was no choice but for the party in question insisting on such resignation.

Persons holding public office, and I include in this office bearers of recognised political parties, have a special responsibility to adhere to a Code of Conduct which is, perhaps, more restrictive than what applies to an ordinary citizen. Public office holders enjoy a degree of power which no individual does and their actions can either promote the welfare of people at large, or can cause irreversible damage to the body politic. In order to use this power properly not only must the office bearer be honest to the point of being pea-green incorruptible, but he must also be easy of approach, open in his dealings, willing to listen to people and to perform his duties in a manner such that the reason for every decision is evident on record, the said record itself being available for public scrutiny; he must also appear to be impartial and straight forward. This being India even the most honest official or functionary is likely to have complaints made against him, but if his conduct is above board prima facie the falseness or exaggeration of the complaints would be so clearly evident that the reputation of the person would not suffer. This is an area in which our public functionaries need both social and legal protection in order to guard against false and vexatious complaints. This machinery could be internal to a political party, mandated by law or otherwise, through public scrutiny, be a shield available to honest persons. Here there is no problem because there is no wrongdoing.

There is another area in which, however, we are faced with a real problem of persons misusing office for personal gain, hiding behind lies and obfuscation in order to hide misdeeds, using patronage in order to thwart investigating agencies from looking into allegations and then apply bluster to remain in power. What should be done to prevent this? In countries such as Britain and the United States of America various investigating agencies have a tradition of working independently, provided they confine themselves to what is legally mandated. The police has powers to investigate all criminal matters. Then there are specialised agencies relating to income tax, customs and excise, securities and the stock market, company fraud, etc. These agencies have the power to investigate matters relating to their prescribed jurisdiction and the

Federal Securities and Exchange Commission in the United States detected insider trading, resulting in the conviction and sentencing of the very high profile businessman, Rajat Gupta. Even though he is very influential no one in the United States tried to hinder the investigation. This is the kind of responsible authority which must be given to various investigating agencies in India so that when investigating any complaint, fraud or crime the agencies have a free hand both to investigate and to prosecute. Unfortunately that is not true in India and a person's connections and influence quite often determine whether or not an investigating agency will impartially and fearlessly conduct a probe into suspect activities. The three most recent examples of this are the allegations against Nitin Gadkari, Robert Vadra and Virbhadra Singh. Against Vadra the authorities are not even conducting an enquiry and in the matter of Virbhadra Singh also government are dragging their feet. In the case of Nitin Gadkari various agencies have started the process of investigation because he is in opposition. Nitin Gadkari, against whom a fairly cogent prima facie case seems to be made out, is not resigning as party president.

Where do we go from here? The freedom of investigation agencies to operate independently is most desirable and we should encourage this. But we also need a code of ethics for our political parties. Assuming that all recognised political parties are interested in good governance and honesty in their entire dealings one could suggest that they evolve a code of ethics for their own leaders. This means that if, as happened in Britain, Kaith Vaz, a junior minister in the British Home Office, enquired from the Foreign Office about the status of passports for Hinduja brothers, he had to resign because this was taken as unwanted interference in another ministry. We can perhaps never achieve this level of accountability, but at least the parties can evolve a code whereby if there are major complaints about violation of law, rules or standards of propriety for which there is at least prima facie evidence calling for investigation, that person must temporarily vacate his office so that enquiries can be conducted without fear. If this standard is applied then A.Raja should have vacated office as soon as the 2G Spectrum allocation irregularities were noticed, Suresh Kalmadi should have resigned similarly and Nitin Gadkari should step down in the tradition of L.K. Advani and offer himself for investigation. This would apply across the board to all parties. If political parties agree to such a code we would take a major step forward to bringing honest government to India. Then why the hesitation, why the leaping to the defence of persons who need to answer questions relating to their integrity? Or is there an interconnected labyrinth of dishonesty which no party is prepared to dismantle? We really must unravel this maze and slay the Minotaur.
