

## Some Questions Which Must be Asked

■ Dr. M.N. Buch

Recently Rahul Gandhi visited Bhopal for a day on purely Congress Party work. He did not come by a normal commercial flight, the fare of which he could have reimbursed as a Member of Parliament. He came by a special aircraft and for his personal protection a bullet proof armoured vehicle had been sent in advance from Delhi by train. Naturally he was accompanied by his SPG escort and more than one thousand policemen were deployed for his protection and general bandobast. He travelled in a convoy of several cars, piloted and escorted by the police and barricades were erected for crowd control. I cannot think of the Chairman of the Labour Party in Britain travelling in that country in such style and at such great expense. In Delhi the Sonia Gandhi family maintains a life style which undoubtedly must cost a great deal of money, certainly more than can be afforded by the emoluments earned by her and Rahul Gandhi as Members of Parliament. The question which the people of India must ask is, "Where is all this money coming from?"

I am not targeting Rahul Gandhi or the Congress Party because every party and every leader does exactly the same thing. The BJP President Rajnath Singh travels by special aircraft and helicopters as do Mulayam Singh Yadav, Lalu Prasad Yadav and leaders of the parties in the Southern States. The Congress Party is supposed to be the richest political party in India, followed by BJP and CPI (M). If we take the population of India as being 120 crores, including adults and minors, if a party were to collect five rupees per head that would still come to only Rs. 600 crores. Considering the life style of our leaders, the cost of their travel, the huge amounts spent during elections, it is obvious that parties and party leaders are accepting money from business houses, whereas their followers are extorting money from smaller businessmen. Why should a business house give any money to any politician unless he is convinced that this is a form of investment which can be encashed at huge profit, to the advantage of the politicians also for overlooking the malpractices of the business house? One is told that the House of Tata refuses to pay bribes and I am prepared to accept that the family of Jammalal Bajaj, mainly Rahul Bajaj, would also be principled in this behalf. But that is not true of most of our business houses and, therefore, party funds are very largely dependent on contributions from black marketeers, people indulging in illegal business and business houses, some on the make but most who know that if they are to survive they have to please the politicians. This is the root cause of corruption and surely the question must be asked, "Why are parties and politicians sourcing funds from businessmen and why are businessmen doling out such huge amounts?"

In my family we three brothers were in the IAS (the middle one died when he was just 52 years) and my wife was also an IAS officer. She, my youngest brother and I are pensioners and no doubt after the Sixth Pay Commission the pension is enough for us to live reasonably comfortably. It is not enough to afford luxury, which is why my wife is unable to replace her eleven-year old car. In some ways we are fortunate because there is a huge escalation in land value and the house which I built in 1975-76 cost me just about rupees three lakhs, including the cost of land, which is now worth crores of rupees. However, I cannot think of acquiring more property at today's prices. On the other hand most of our politicians have acquired assets for which there is no logical explanation in terms of what they earn. For example, a Chief Minister of Arunachal Pradesh once told me that his Industries and Excise Minister, who belonged to a particular tribe, came from a poverty stricken household but he now owns a hotel

in Itanagar, properties in Guwahati, Delhi and Bombay and is an extremely wealthy man. I can give any number of examples from Madhya Pradesh of politicians who could not afford a bicycle now owning several cars, others who could not afford a one room tenement having luxurious bungalows and commercial properties, with their wives being loaded with jewels. Where does all this money come from? Elections cost huge sums of money and it is obvious that political parties cannot afford to give every candidate crores of rupees for an assembly or parliamentary election. A person who has spent rupees five to ten crores to win a parliamentary seat has obviously to collect money by illegal means in order to recoup what he has spent. He becomes corrupt, he corrupts the system by forcing his civil servants to assist in collecting money, the civil servants in turn find that it is lucrative to be corrupt on their own, unscrupulous contractors and businessmen take advantage of the corruption of the bureaucrats and the politicians and, therefore, spurious drugs and liquor are sold and kill innocent people, the roof of a hospital collapses with patients occupying the premises, a Dawood Ibrahim flourishes and scams occur on a national scale.

Let us carry the analysis further. There are two phenomena which one does not find in most developed economies which are also democracies. Newspapers such as Le Figaro, Washington Post, The Times do not carry several one-page advertisements celebrating the birthday of some leaders, highlighting by way of an advertisement the speeches of a Chief Minister or lauding appointment of some political leader to a post in government or in a government corporation. There are no hoardings and ceremonial gates put up all over the city because an office bearer of a political party is paying it a visit. There are no bill boards or hoardings at street corners and along public roads containing the portraits of politicians and celebrating something relating to them. That is the way of dictatorships. The Nazi Party rallies at Nueremburg, the portraits of the Great Leader adorning the streets of Pyongyang, the statues of Stalin and Lenin in the Soviet cities are all hallmarks of Fascist and authoritarian Communist societies. The situation in India far exceeds anything that was found in Nazi Berlin, Mussolini's Rome, Franco's Madrid or Kim Il Sung's Pyongyang. It goes even further than Mao's Beijing. The sycophancy and the prostration before the leaders is so sickening that one is sometimes ashamed to be an Indian. In a democracy the citizen is supreme, the system of politics is multi-party, the voter decides who governs us and the Constitution prescribes how we shall be governed. Party leaders individually count for nothing and even so powerful a person as Margaret Thatcher would have been laughed out of court if, for example, she were to visit Liverpool at the height of her power and her party tried to plaster the city with her portraits. Why, then, does India, which calls itself the world's largest democracy, have a culture of what is nothing short of idolatry with regard to its political leaders? The media, the party workers, the bureaucrats, the political parties themselves and, sad to say, citizens at large are guilty of this miasma which has overtaken our society and our politics. We must ask the question why this has happened and we must root out this toadyism lock, stock and barrel.

Advertisements in the newspapers in favour of our politicians cost a great deal of money, may be about rupees two crores for a full page advertisement in a national newspaper. Where is the money coming from? Who pays for the banners, posters, ceremonial gates, the tonnes of flowers when a person like Advani, Rahul Gandhi, etc. visits a city? Quite apart from the waste there is also the case of the corruption which accompanies such expenditure, all of which is ultimately paid for by the common man. Why are we not asking for an immediate end to this practice? As a young District Magistrate I have had visits of Jawaharlal Nehru, Indira Gandhi, Morarji Desai, Jaiprakash Narain and others to my district headquarters. What we see today did

not exist then and certainly politicians were much simpler in those days and more austere. We have to return to the days of sane politics and people must insist on this.

We can no longer hide behind the 'purdah' of democracy when dealing with corruption. I, as a citizen, would like to know why the cases of disproportionate assets against Mulayam Singh Yadav and Mayawati, both in Uttar Pradesh, have been pending for so long. The allegations do not relate to some obscure tale of illegal funds passing through a confusing maze of transactions in Mauritius, a West Indian island, anonymous banks in Switzerland or Luxembourg. They relate to tangible immovable assets in India, to cash payments, bank balances and jewelry. The allegations are false, in which the case should be closed, or they are correct, a prima facie case exists and the matter should be challaned before a court of competent jurisdiction. Instead the Delhi Police Special Establishment (popularly known as CBI) digs up or buries the cases from time to time according to the need for the support of the Samajwadi Party or Bahujana Samaj Party when things become dicey in Parliament. That CBI is professionally incompetent, its officers are not above corruption and it is extremely selective, depending on what government wants, in prosecuting offences, is well known. The Supreme Court bravely states that it will free CBI from political control. Why does the Supreme Court not ask the Inspector General of the Delhi Special Police Establishment, who is a legal entity, also known as the Director of the Central Bureau of Investigation, which is only a non-statutory executive agency, to read Chapter XII of the Code of Criminal Procedure, 1973? In the matter of recording of FIR, investigating an offence, apprehending accused persons, collecting evidence, arriving at a conclusion whether a prima facie case does or does not exist against the accused person or persons and then deciding to either challan the accused in court or to submit a final report seeking permission to close the case, the police has complete and absolute legal autonomy. Only a superior police officer has the power to supervise a case under section 36 Cr.P.C. and section 158 Cr.P.C. However, even a superior police officer cannot direct that the investigating officer excludes from his investigation a person against whom there is a prima facie case, or include in the charge-sheet a person against whom there is no evidence of a prima facie case, challan a case in which there is no evidence that an offence is made out or submit a final report for closure in a case where there is enough evidence for a charge-sheet. No one, minister, civil servant or superior police officer can make an investigating officer delay an investigation or make a false investigation. That provision already exists under the present law. Even if the law does not specifically state that a Law Minister or an officer of government is debarred from interfering in an investigation, there are any number of decisions of the Privy Council, our High Courts and the Supreme Court which makes this amply clear. What other autonomy does the Supreme Court intend to confer on CBI? Will the greatest respect to our courts in my submission to them is to use their judicial power to make officers, including police officers, function according to law instead of making statements about how they intend to liberate officers or organisations from the control of government.

I think a question must also be asked of the Executive as to why it has abandoned its executive functions. Despite what some police officers like to believe, the police is part of the executive arm of government, whose existence is determined by laws enacted by the Legislature, whose authority and functions are prescribed by such laws and whose accountability and subordination are both determined by law. Let me give one example. The Supreme Court is insisting that the police should not function under the control of government. Superintendence over the police vests in government and must continue to do so. The power of superintendence does not mean micro management of the police, but it does mean that the

framework of policing, the objectives of policing and the broad policy relating to the methods of policing will be laid down and prescribed by government through rules, regulations, manuals and standing orders. In the ultimate analysis the Minister Incharge of Home is accountable to the Legislature for the manner in which the police functions and neither the Supreme Court nor any other authority can dilute this accountability of the Ministers. Suppose the police exceeds its powers, misuse its authority, harasses citizens, indulges in excessive force in dealing with a law and order situation, fails to deal with crime because it is corrupt or incompetent and questions are raised about this in the Legislature. Can the Home Minister turn around and say, "I have no control over the police, I cannot shift an officer, I cannot punish him until some prescribed authority permits me to do so?" The legislators will then demand a change in the law and if this demand is supported by the majority, the law will be changed.

What we need is a balance between the authority of the Executive, the role of the Judiciary in ensuring that all executive arms, including the police, function according to law and for the police to be operationally autonomous so that it can fulfill its task of maintaining order, preventing crime and quickly detecting and prosecuting offenders. This calls for restraint, rational thinking, proper legislation, competent executive functioning and vigilance on the part of the Judiciary which, in the present surcharged environment, is nowhere visible. The question which people must ask is "Why is this so?"

Good government is a function of a proper balance between the Executive, Legislature and the Judiciary. It is equally a function of integrity, honesty in the matter of working and efficiency and competence on the part of the constituents of the State. I consider the role of the Legislature and the legislators pivotal because it is this body and these persons who, because they are constituted by the freely cast vote of the citizens, are the key components of a representative democracy. Legislators have a constitutionally defined role and that consists of enactment of laws which are in the public interests, approval of the annual budget and individual items of expenditure and grants to meet such expenditure and then maintaining a watch over government to ensure that it functions in a manner such that the funds allotted to it by popular will, expressed through the representatives of the people, are properly utilised. This is done through questions, resolutions, debates, call attention motions, adjournment motions and through functioning of the Public Accounts Committee, the Estimates Committee and the various standing committees for different departments, which all call government to account. At every step the Executive is accountable to the Legislature and if legislators were to do their duty the end result would be good government. But the fact is that the legislators do not do their duty, most sessions of parliament are heavily interrupted by agitations, there is very little meaningful debate in State Legislatures or in Parliament and most legislators are more interested in getting executive posts or in interfering in the day-to-day working of the Executive by demanding postings and transfers, insisting on work being done according to their whims and fancies and using the bureaucracy as a means of making money rather than in attending to legislative business. Should not a question be asked why the legislators do not perform their legitimate function and instead make it impossible for the bureaucracy to function? Should we also not ask why the bureaucracy has become so used to this situation that it has now become a willing partner in what ultimately leads to wholesale corruption?

We have been silent too long and an Anna Hazare fasting to end corruption, an Arvind Kejriwal jumping around and agitating, a Prashant Bhushan filing public interest writ petitions do not even scratch at the problem. We need a massive upsurge of public anger which would

tear down the posters of our leaders, dog their footsteps when they talk nonsense in public and insist on an austere style of living and functioning of the politicians and the civil servants. That will bring us back to the early days of independence, when India looked to the future with hope, the politicians still imbued with a sense of Gandhian morality and the civil servants enthused by and proud of their role in building a new and prosperous nation.

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