

## **We Are All Thieves**

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The coat of arms of the Republic of India is Ashoka's Saranath Lion column surmounting the Dharma Chakra and inscribed below with the words "Satyamev Jayate". The lions denote courage, the Dharma Chakra stands for Dharma, or the right path and the words mean "truth ever triumphs". The symbol of the republic, therefore suggests courage, lion-heartedness, righteousness and truth. Because we have chosen this path the Preamble to the Constitution gives every citizen the right to justice, whether it be social, economic or political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and fraternity which assures the dignity of the individual. Such a State can only be a democracy because in an totalitarian State justice is replaced by the arbitrariness of the ruler. Such a State can only be secular because equality of status and opportunity is available only in a secular State which stands for inclusiveness. Theocratic States or States which have a ruling religious ideology cannot ensure equality for its citizens because those of the Faith stand above everyone else. Such a State has to be egalitarian because there can only be a fraternity of equals. Where people are unequal there can be no fraternity. The symbol of the State and the Preamble to the Constitution complement each other.

The Constitution goes further. Part IV of the Constitution, which gives the Fundamental Rights, lays down that there will be no discrimination on grounds of religion, race, caste, sex or place of birth. The Constitution mandates equality before law and equality of opportunity in public employment. It abolishes untouchability and titles so that one's birth does not determine one's place in society, either through caste or through class. The fundamental rights recognise that in a pluralistic society there will be many faith and many religions, as also cultural strains and, therefore, there is complete freedom to worship and to manage one's own religious affairs, to establish and administer educational institutions and to protect minority rights. Part IV of the Constitution gives the Directive Principles of State Policy and they call upon the State to secure a social order for the promotion of the welfare of the people. Part IV-A gives the counterpart fundamental duties of the citizens who are required to promote the harmony and spirit of common brotherhood amongst all the people of India and to value and preserve the rich heritage of our composite culture.

If the rights of the people, the basic objectives of the Constitution and the Directive Principles of State Policy are provided for in the Constitution, how is the welfare of the people to be ensured? That is the job of government and, therefore, the State is divided between three independent but equal wings, the Executive, the Legislature and the Judiciary. The Legislature legislates, provides the guidelines on how the government will govern, votes the budget which enables government to spend money and then oversees how government functions by calling it to account in the Legislature. The executive power of the Union, however, vests in the President under Article 53 and of the States in the Governor of each State under Article 154. Whereas this power is exercised through officers appointed by the President or the Governor, in a democracy real power vests in the elected part of the Executive, that is, the Council of Ministers, on whose advice the President is bound to act under Article 73 and the Governor under Article 163. The Council of Ministers consists of persons who are Members of Parliament or the State Legislature because anyone not elected to either body within six months of appointment as a Minister automatically ceases to hold office. The Legislature and the Council of Ministers thus consist of

people who through election have come to represent their constituents and, therefore, they are both the representatives of the people and the agents through whom the people express their collective will. Certain things are self evident and, therefore, axiomatic. The people want welfare and the Constitution pledges to promote their welfare. It is the job of the government, therefore, to direct its own short term and long term policy to promote welfare. Welfare demands appropriate planning, preparation of development programmes, allocation of funds and honest and efficient implementation of the development plans. The key words here are “honest” and “efficient”. Obviously a dishonest person cannot deliver the fruits of development to the people because his interest would be to divert the maximum funds to his own benefit. Undoubtedly we have always had petty corruption in implementation, but such corruption has tended to be limited to what the market can bear without breaking the bank. In other words, whereas contractors and others working in the field have always give some bribes to officials, we have had many honest officers also and because they deliver results and complete works with an acceptable standard of quality, they become the benchmark against which the other officers are judged. Their shortcomings and poor quality of implementation are in such contrast with the work done by honest officers that in the past the dishonest were easily identified and then were isolated.

Our political leadership in the first twenty years of independence consisted of people who had come through the freedom movement, were strongly influenced by Gandhiji, lived austere lives and made service of the people their principal objective. These people believed in the Indian Constitution, accepted the Preamble and the Directive Principles of State Policy, had a vision of a modern but egalitarian India before them and were completely honest and above board. From 1947 to 1967 India was governed according to the spirit of the Constitution. In that period very few complaints of electoral wrongdoing were filed and there was trust in the integrity of the electoral process. Satyamev Jayate as a motto was the guiding star before the politicians and India was an honest country. Power meant an opportunity to serve people. It certainly had no personal connotation and was not looked upon as a means of personal enrichment. There are two benchmark years which changed all this. The first is 1967 when in Haryana, Uttar Pradesh and Madhya Pradesh it was suddenly discovered that by engineering defections of legislators a legitimately elected government could be driven out of power and in their place, by right of purchase, unscrupulous elements could step in. Govind Narain Singh constituted the SVD in Madhya Pradesh, purchased thirty-eight MsLA and caused the overthrow of the government of D.P. Mishra. Power had been purchased and we entered into an era of unstable coalitions. But like blackmail, the urgency of continually buying power never abates because those who had sold themselves once could sell themselves again and, therefore, had to be kept in good humour by constant pampering, including with money. Wholesale corruption, therefore, became the order of the day. If money is needed to buy power and to sustain it then the State must be subverted because in the Indian context that is the only source of money. It is tame government agencies, especially those with any coercive powers, which have to be used to raise the money for buying power and government departments cannot be tamed unless the officers manning them are brought under the whimsical control of the politicians. Now members of the Services were identified as the pliable and the pigheaded. The pigheaded were naturally officers who stood by rules and regulations, were personally honest and generally believed in the welfare of the people and who would never be a party to wrongdoing. They had to be cajoled, threatened, pressurised and eventually sidelined in order that the rest of the bureaucracy

understood that those who opposed or stood in the way of the nefarious activities of politicians would be brushed aside and crushed.

The second benchmark date was 25<sup>th</sup> June, 1975, when without any cause whatsoever a state of emergency was declared, all authority centered in the Prime Minister, the Fundamental Rights were suspended and India made a foray into authoritarianism. A pusillanimous Supreme Court, with the honourable exception of Justice HR Khanna, tamely ruled that the suspension of the Fundamental Rights, including the Right to Life, was constitutional and justified. Though two years later Indira Gandhi has to backtrack and withdraw the emergency, our democratic polity had been hit hard and even today the aftermaths of trauma are visible.

The case of Durga Shakti Nagpal in which very recently this young IAS officer has been suspended for taking on the criminal sand mafia of Western Uttar Pradesh indicates how the politicians thinks today. Many in the Civil Services have taken the hint and have stopped resisting. Quite a few have actually become partners in wrongdoing in that as the ministers and the politicians fill their coffers, the officers have also been dipping their hands in the till. First there was nonresistance, then there was compliance, then there was cohabitation, then there was a nexus. Today we have a group of officers who are not only partners in the loot but are also the pointsmen who, like dogs of the breed of pointers and setters, actually identify new targets for the politicians. The senior officers, such as the present Chief Secretary of Uttar Pradesh, instead of standing up for their juniors are now so anxious to save their own skins that they prefer to be either silent bystanders or have become the hatchet men for the politicians. Let me give the contrast between RCVP Noronha, a legendary Chief Secretary of Madhya Pradesh and Javed Usmani, the present Chief Secretary of Uttar Pradesh. In 1972-73 P.C. Sethi, Chief Minister of Madhya Pradesh, on the instigation of his Deputy Finance Minister, Chandra Prabhas Shekhar, ordered the suspension of R.S. Khanna IAS, the then Sales Tax Commissioner of Madhya Pradesh who blocked the legal loopholes through which the business community was mulcting the State of hundred of crores of rupees. Shekhar came under pressure from businessmen, took their side and persuaded Sethiji to teach Khanna a lesson, Noronha, as Chief Secretary, sent for Khanna, heard his side of the story and was convinced by it and did not issue the suspension orders. The next day when Sethiji asked whether the orders had been or would be issued Noronha replied, "Certainly they will be issued, but by my successor". The Chief Minister climbed down and Khanna went on to become the Chief Secretary of Madhya Pradesh. Javed Usmani, instead of protecting this young IAS officer with just two years of service, not only failed to stand up to the Chief Minister but is now a party to framing of a bogus and farcical chargesheet against Durga Shakti Nagpal. Such a person is not fit to be Chief Secretary of India's most populous State. In fact he is not even fit to remain in the Service. This statement I make with all seriousness.

Durga Shakti Nagpal is not the only one. Recently the Superintendent of Police of Jaisalmer was transferred within forty-eight hours of initiating action against a history sheeter. The Chief Secretary of Rajasthan does not seem to have lodged any protest. But one message is going all the way down the line, which is that do not interfere with those who indulge in looting because you will have to pay a price. Public interest, public welfare, protection of the natural resources of the State, truth itself have all gone by the board because they are in conflict with the private interests of certain individuals who in any civilised society would be ostracised as criminals.

India, in fact no country, deserves criminals as its government. Those who are dishonest cannot fulfil even one of the objectives of the Constitution and acts such as those of Mulayam Singh Yadav and Akhilesh Yadav only prove the point that dishonest people cannot deliver good government or enhance public welfare. This brings them into direct conflict with the Constitution and raises the question of whether it is the Constitution which would prevail or whether it is a dishonest government which will hold sway. Because of one Akhilesh Yadav do we abandon the Constitution? Whichever party is in power at the Centre has to answer for what is happening to Durga Shakti Nagpal and what lies in wait for the people of India in the coming years. Can the Prime Minister sleep peacefully at night without brooding over the sorry state of our country's structure of government? I am xenophobically Indian and believe in the basic tenets of our Constitution. I respect our national symbol and everything it stands for and I hate to think that this country is being taken over by politicians who are themselves either on the border line of crime or are active criminals. Their basic psychology can be appreciated by recent events. The Chief Information Commission of India gave a ruling that the political parties come sufficiently in the public domain for people to legitimately demand under the RTI Act that the political parties reveal their sources of revenue and the application of funds by the parties. Surprisingly all the political parties, ranging from the extreme left to the extreme right have come together and agreed that the Right to Information Act should be amended to exclude them from its purview. Are the political parties accessing black money? Do they receive funds through a hawala route? Are they assisting businessmen to launder black money through donations to party funds? Is there a co-relationship between funds being given to the parties and decisions being taken which grant undue favours to the donors? Does unaccounted for money influence both the programme of the party and the manner in which it provides governance? If the parties have nothing to hide, why are they fighting shy of giving information?

The second case is that of the Supreme Court ruling that criminals, convicted or otherwise, cannot participate in the elections as candidates. Should criminals be allowed to become our representatives? Again all the parties have come together to draft a law which would nullify the judgement of the Supreme Court. Put one way, it means that the parties will continue to field criminals as their candidates who, in turn, will demand their pound of flesh so that their criminal activities can continue unabated. By opposing the application of the RTI Act to themselves, by being willing to legislate to undo the judgement of the Supreme Court which holds promise to rid our politics of criminals, political parties have given to themselves a certificate that they are dishonest. This really tends to define the new contours of government in India. With the very greatest of respect to our national symbol I believe that a time has come that if the State is no longer to be egalitarian or impartial, or for that matter, honest, then we should ask whether or not we should seek legislation which would alter our coat of arms at least to the extent of deleting the words "Satyamev Jayate" and replacing them by the words "Hum Sab Chor Hain". This means "we are all thieves". This is what our politicians have done to India between 1967 and 2013, that is, in the short span of forty-six years.

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