

People Power

Defining Moment – Challenge and Opportunity

The gruesome murder of Satyendra Kumar Dubey could well turn out to be one of the defining events of our time. This ghastly incident and the circumstances surrounding it focused media attention on our governance failure and channelized middle-class ire as never before. Politicians and civil servants would do well to listen carefully to the public and respond constructively to address the crises underlying this tragic episode. The resilience and legitimacy of a political system depend largely on its capacity to rise to challenges, and seize such defining moments to launch bold initiatives to cleanse our polity and confront corruption and criminalization.

The prime minister's Golden Quadrilateral project is one of the finest in the history of Independent India. It is comparable to the great American highway construction during Eisenhower's time in 1950's. This is perhaps the second great infrastructure project in India about 150 years after the first one. Around and after the Rebellion of 1857, the British did a monumental job of building the great rail and road network in India. Their motive may have been rapid troop movement to quell any future rebellion, but the transport infrastructure built certainly helped integrate our economy and paved way for industrialization.

Mr. Vajpayee is right in launching the highways project. And its execution, in many ways, is a model of coordination, efficiency, speed and quality-control. Any one who drove on these new highways would testify to this, and cannot but feel a tinge of pride that we, Indians, can match world class standards in infrastructure-building. Given this remarkable success, it is particularly sad that corruption and criminality have plagued even this prestigious project. There are three inter-linked issues involved in Satyendra's martyrdom, and they need to be examined carefully.

First, we obviously need statutory measures for whistle-blower protection. The media is right in raising the issue, and the government is showing signs of response. Evidently, Satyendra's identity as the author of the letter to the prime minister detailing six procedural and technical shortcomings in the execution of these highways was revealed to the very corrupt officials and mafia whose misdeeds he sought to expose. He specially highlighted deficiencies in six areas of project execution: preparation of detailed project reports, procurement of civil contractors, mobilization advances to contractors, selection of supervision and design consultants, sub-contracting, and organization and office system. It is difficult to determine now whether this breach of confidentiality was due to carelessness or by design. In either case, proper statutory measures to protect the whistle-blowers are necessary. Such laws are in place in several countries. Public Interest Disclosure Act, 1998 in Britain, and Anti-retaliation protection provisions added to the False Claims Act in 1986, dozens of federal and state laws protecting whistleblowers and

Paul Revere Freedom to Warn Act as an addition to the Homeland Security Act in the US are good examples of whistle-blower protection. The Law Commission in its 179th report proposed such a law, and drafted a Bill. This must be enacted speedily.

Second, the issue is deeper and more complicated than mere whistleblower protection. Any such law would have ensured three things: the whistle-blower would get job protection and immunity against harassment, the identity of the whistle-blower would have been kept confidential, and there would have been an independent mechanism to investigate the complaint. However, such a law would not be enough to protect the whistleblower against murderous attacks. Satyendra had job security, and his identity as an honest official at the field level opposing the bureaucrat-contractor-mafia nexus and preventing irregular payments was known to the assailants irrespective of his complaint to the P.M. In fact, his letter to PM was almost an year before his murder. The real issue is the increasing affinity between politics, crime and corruption. It is well-known that in many pockets of India the contractors have to pay hefty sums to the local legislator and mafia don, in order to participate in competitive bidding, or execute the work. The inexhaustible appetite for illegitimate funds in our political system, and the limitless opportunities to amass wealth by plundering the exchequer have created an explosive combination. Mere palliatives will not do; and if one avenue of supply of funds is closed, more dangerous avenues open up as the demand for vast sums on account of the constituency-based election and lure of legislative office as a source of plunder are not addressed. Unless we go to the roots of the problem and reform our political system, we cannot eliminate the criminal-neta-babu nexus.

We must look at alternative systems like proportional representation which give honest and competent candidates a decent chance of getting elected, and reduce the dependence of parties on criminals and mafias on grounds of “winnability”. And we need to reduce incentive for legislative office by separating executive authority from legislature in states. Today, no government can survive long without yielding to pressures of MLAs for transfers and postings, finalizing contracts and tenders in favour of their chosen bidders, or subversion of crime investigation and prosecution by political manipulation. It is this combination of dependence on local mafias for election and the compulsions of survival in power which are at the root of the crisis. Only alternative models of representation and separation of powers will promote integrity in public life and safeguard honest public servants like Satyendra.

Third, lawlessness has crossed all limits of tolerance in Bihar, Jarkhand, UP and a few pockets like Rayalaseema in AP. Firm and decisive steps are needed to restore rule of law and public order. The British had to raise an army of over 100,000 troops in the second decade of 19th century, and wage a war for several years to crush the Pindaris in Central India. Today’s crisis in parts of India is as severe and complicated as that created by the marauding robber bands 200 years ago. The past three decades have witnessed conditions of anarchy and breakdown of rule of law, the worst manifestations of which are evident in Bihar. The Indian state must now summon similar will, and create new instruments for making conditions safe for citizens, and conducive for liberty. If all parties show restraint and good sense, it is possible to overcome hurdles, and find creative ways of restoring

rule of law without undermining liberty and federalism. But the problem cannot be wished away any longer, and the festering sores must be treated before they become gangrenous and threaten the whole nation.

Satyendra's brutal murder is both a challenge to the Indian state, and an opportunity to restore sanity in our public life and strengthen democracy. Our political parties must bury the hatchet and respond collectively and creatively.

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