

DISHONESTY IS THE BEST POLICY

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The name Gandhi spells magic for my generation of Indians and anyone associated with the lineage raises expectations of character and quality, whatever the occasion. So one felt naturally drawn to Gopal Krishna Gandhi's Kohli Memorial Lecture, delivered to CBI officers, in the hope of some serious food for thought, some valuable personal experience or insight which could illuminate our own, troubled questionings as to what exactly had gone wrong with the Indian Republic. But as it is, it turned out to be more in the nature of a tete -a-tete, rather than a serious engagement with any of the myriad issues staring the nation in the face.

The lecture breathlessly surveys a whole gamut of institutions of the Republic, how they achieved the high noon and then the eclipse set in. But when he came to the CBI the point of the lecture began to be evident to me. What was the occasion for making the point about a CBI director posing a threat to the political class by being a self directed robot, an instrument of terror, a power centre in its own right? Has any director of the CBI ever shown any inclination in that direction? The besetting malady has been their pusillanimity, their reluctance to make a move against the really powerful even after being flogged by the courts? The inexorable laws of natural selection favour only those with the right attitude get to the top of the organization; those whose moral compass always points northwards. The system separates the chaff from the wheat and then opts for the chaff. Those who could instill the fear of law in the hearts of the powerful invariably fall by the wayside. Hence it is not the powerful who have to fear the CBI (or the police for that matter!) Mr. Gandhi seems to have got it all wrong. It is not the highhandedness of the CBI, or for that matter of any police force that people in high places are worried about. It is about the threat to *their* privilege which is the real issue.

But Mr. Gandhi is a man of culture and his anxiety on this score is sufficiently well disguised. "There is justified criticism of CBI highhandedness and lack of sensitivity to loss of reputation of senior members of the bureaucracy against whom needless enquiries can get initiated." But even so one would like to know from whose point of view is it "justified criticism"? From the point of view those whose decisions are the subject matter of investigation? From the point of view of Mr. Parekh who has rightly dared the CBI in his book, because he knows, as indeed everyone else

knows, that CBI has that fine sense of discretion not to encroach upon the area marked by the crossed skull and bone of privilege. He is in a boat which the CBI cannot rock. The CBI practices the dichotomy of distinction with panache – put on trial the man who supposedly took bribe on behalf of the railway minister and spare the railway minister himself.

But post Coalgate a genuine fear seems to have gripped the high and mighty in the upper reaches of bureaucracy. Mr. Manmohan Singh, the Prime Minister of India in his speech to CBI officers on the occasion of its golden jubilee was more forthright when he instructed a gathering of senior officers of the CBI on what constitutes the ingredients of criminal misconduct. He claimed an exemption for policy makers from being made accountable in Prevention of Corruption Act 1988 for policy decisions. There could not be a more disingenuous plea for exceptionalism. It is a plea to be categorized as special class of citizens. After all who makes policy – not the legislators, not the judges, not the police officers. It is the government on the advice of its top bureaucrats. So all that they have to do is to invoke the magic word “policy” and the loss of 1.76 lac crores of rupees of the Indian tax payers money could be just written off?

Experience tells us that for long governments have been running on the unstated motto “Dishonesty is the best policy.” Claiming for themselves immunity in the name of policy is the first step. Then they could go ahead and announce that dishonesty is their policy thus taking both their dishonesty and their policy out of the purview of prying investigators.

While we are at it, many police officers believe that extermination of terrorists, criminals etc are the only policy options in times of crisis, but it so turns out that some of them turn out to be normal peace loving people like you and me. Will the immunity extend to these matters of life and liberty also or shall we limit it to pecuniary losses only? The CBI understands things but the rest of us uninitiated folks have still not divined the gnostic themes spelt out to them from time to time by eminent people. So these tactless undiplomatic questions need to be raised.
