

Get on with Whistleblower's Act

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Did Satyendra Dubey die for nothing? The honest and upright young Deputy General Manager of the National Highways Authority of India, was killed last November in Bihar's Gaya district after he had complained to the Prime Ministers Office alleging huge irregularities and corruption in the then Prime Ministers pet project.

Dubey knew the risk he was taking. He knew he was a vulnerable and an easy target. He knew he was fighting the powerful construction mafia. He knew he had to be afraid. In his letters he begged that his name be kept secret, but the careless bureaucracy didn't bother to honour his request.

The death of the young IIT graduate generated widespread public protest and after some unseemly dilly-dallying the Vajpayee government ordered a Central Bureau of Investigation probe. This instilled some hope in the eyes of a cynical public too used to seeing little come of probes and commissions. But that was six months ago. The latest conclusion is that Dubey's whistleblowing on wrong doing in the Highway Authority had little to do with his death even though he so clearly anticipated this outcome himself. Instead the new theory is that Dubey was killed while resisting some sort of robbery. The CBI says it has arrested six persons including the man who apparently pulled the trigger. They have retrieved Dubey's cellphone and brief case carrying family photographs, some official papers, a mobile charger and bunch of keys. Those in custody could have got them from a robbery or from an obliging third party who wanted to muddy a trail or get rid of hot property, its probably to soon to say.

To bolster the robbery theory the CBI point to a watch they say belonged to Mr Dubey. But things are never so simple or so clear. There is Mr Dubey's agonised brother Dhananjay who says that in fact Dubey never wore a watch.

Then there are the other tragedies surrounding the CBI investigation that seem to make little news and less sense. Pradeep Kumar, the lone rickshaw-puller and a witness to the murder has 'disappeared' after his statements were recorded in Delhi while two other suspects Sheonath Sah and Mukendra Paswan have committed suicide within hours after being interrogated. How did the CBI lose a prime eyewitness and fail to keep him safe in protective custody? The CBI now have three deaths and a disappearance to unearth, there is little to indicate how these multiple tragedies are to be explained? The way in which events are playing out must cast serious doubt on the integrity of the investigation. And to make matters worse, the new Government recently came out with a shocking claim that Dubey never asked for his identity to be concealed even though his first two letters to the Prime Ministers Office had implicitly mentioned it.

Whistleblowing as a legitimate activity is little known in India. Yet in less corrupt jurisdictions it is routinely given legal legitimacy and protection. A whistleblower is a person who exposes wrongdoing and is protected by the government for doing this service to the nation. India does not have a whistleblowers protection law yet. However since the Public Interest Disclosure and Protection of Informers Bill, 2002 is still being examined, the centre

agreed to making the Central Vigilance Commission, the sole authority in protecting future whistleblowers.

A properly implemented whistleblowers act would make a dent in the wall of corruption that surrounds us if a law was passed that ensured the safety of people wanting to tell on others who were being wicked. Given the judicial system we have, and the everyday instances of the wicked succeeding in all walks of life if nothing else a whistleblowers act would provide a wee bit more space to the good and lift their spirits.

Like whistleblowing law, a properly implemented witness protection program would also help get at powerful evil doers. Evidence of subversion of justice abound but we need go no further than the now famous Best Bakery case to see the naked aggression with which wrong doers can intimidate, with - as the transfer of cases out of Gujarat implies - the complicity of the authorities. India neither has any witness protection programme like the one in the USA nor does our criminal penal code carry any provision concerning this.

While new laws and effective procedures are bound to take their own tortuous time to come on to the books, in Dubey's case just that will never recompense his supreme sacrifice on the alter of integrity. That can only be repaid by getting the real culprits to book however powerful they may be. This requires honest investigation and one that will follow every lead to its logical conclusion. What price will those that breached the confidentiality that Dubey pleaded for, pay? Is someone going to be brought to book? Where is the disappearing rickshaw puller? Why did two perfectly ordinary people commit suicide after a short interrogation? And who are these six new people in custody now, will they too come to a sticky end? Dubey and people like him are too precious to be forgotten. Someone has the answers and the public is watching to see if they will ever given?

(Mrs Maja Daruwala is the Director of Commonwealth Human Rights Initiative)