

Enforcement Directorate under political control?



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The Tamil Nadu political landscape has, for the past few days, been ablaze with lots of discussions on the Enforcement Directorate's arrest of DMK minister V. Senthil Balaji in a case booked when he was a minister in the AIADMK Cabinet.

While the DMK as a ruling party has reacted to the arrest in strong terms, its reaction has been castigated equally severely. At the same time, the episode has triggered a backlash from the opposition parties which say the arrest issue takes the cake in the BJP-led union government's politics of vendetta. The ruling BJP is misusing the investigative agencies such as the ED to terrorise its opponents, they charge.

ED's operations

Generally, when it comes to money laundering, the ED automatically steps in. The Prevention of Money Laundering Act, 2002 conceived during the reign of Vajpayee and executed when Manmohan Singh was PM, paves the way for the ED to deal with such cases which have increased considerably in the past eight years. The number of PMLA cases was 221 during 2012-13. But the figure leapfrogged to 1,180 during 2021-22. But it is noteworthy that Senthil Balaji case initiated by the ED is of judicial nature.

The main factor that has led to his arrest was the complaint that a few persons close to Balaji got bribes from 81 people as a quid pro quo for jobs in the Transport Department under the control of Balaji in the AIADMK Cabinet under Jayalalithaa's regime. Though the issue dates back to 2014-15, the ED stepped into the case only in 2021. As the plaintiffs and defendants had come to a compromise, the High Court had quashed the case. But the Supreme Court on May 16, 2023, in an appeal case, ordered the Crime Branch as well as the ED to conduct investigations into the corruption case and submit a report within two months.

Opposition vocal

The opposition parties, which see red in the whole episode, charge the ED and Union government with having cracked down on Balaji in haste to the point of causing him chest pain and mental torture. This issue is expected to be used as a weapon by the opposition parties ahead of their meeting scheduled for June 23 in Patna. They have already been criticizing the investigative agencies' prejudiced operations.

This year Delhi's former Deputy Chief Minister Manish Sisodia was arrested and imprisoned by the CBI in the liquor policy case. He was also under ED's investigation. In connection with the case, the ED has been interrogating K. Kavitha- daughter of Telangana Chief Minister K Chandrasekhar Rao - as well. Similarly, former CMs of Bihar Lalu Prasad Yadav and Rabri Devi along with Bihar's current Deputy CM Tejasvi Yadav have been

facing ED inquiries in connection with the railway coal scam. The list of the leaders of the opposition parties hauled over the coals by the investigative agencies seems endless: Congress, Nationalist Congress Party, Bahujan Samaj Party, Samajwadi, Trinamool Congress, Shiv Sena (Uddhav), Telugu Desam.... you name it, they've got it.

Partiality?

But at the other end of the spectrum there are detractors who say that it is because the opposition leaders are confronted with allegations of malpractices that they are brought under the ED scanner. By way of countering this argument, the opposition parties allege that after the corruption-tainted politicians joined the BJP, cases against them were dropped. They seem to have an edge in this respect.

In March last, Lok Ayukta police raided the residence of Karnataka BJP MLA Madal Virupakshappa's son and seized Rs.6 crore in cash. Now the opposition leaders ask why the ED officials had not gone there.

Back in Tamil Nadu Chief Minister M.K.Stalin has asked if the ED would take action against former AIADMK ministers in case he submitted evidences in the corruption cases registered against them.

These questions are inevitable in politics.

Hardly a new problem

Yet there's another side to the issue. There were allegations galore that even under the UPA regime, the investigative agencies were misused to terrorize the opposition. It was the same BJP, then in the opposition camp, which levelled such allegations. Similarly, the state governments too were charged with setting their investigative agencies upon their opponents.

What action has the Directorate of Vigilance and Anti-Corruption taken on complaints of corruption against the ministers in the previous AIADMK government? How did it register cases against several former ministers after the change of government? Thus, lots of questions are raised.

Besides, there are no political leaders who do not demand CBI probe into complaints against their opponents. Now Stalin has declared that before the CBI sets out for investigation, it must get prior permission from the state government. Ironically it was he who demanded CBI probes into certain cases when he was Opposition Leader.

People's expectation

Ideally the investigative organizations must act independently without political interference. But unfortunately, they do not. During the UPA rule, the Supreme Court criticized the government for keeping the CBI like a caged parrot. After Narendra Modi became Prime Minister, the investigative outfits were strengthened with special powers through amendments. That was, of course, the need of the hour. But those powers must be used against economic offenders whoever they are. Governments may come and go; but the investigative organizations must ensure that they are not ensnared into the web of politics and must take measures without fear or favour.

It is a sweeping statement that the ED moves only against politicians. It must be recalled that the Supreme Court declined to hear the case filed by 14 opposition parties which alleged that the union government is interfering in the affairs of the investigative organizations.

All said and done, if ED is keen to avoid political controversies, it must ensure that the persons it books in corruption or money laundering cases are convicted. If the ED fails to do it, its failure will surely add some steam to the opposition parties' allegations against it.

Translated by V. Mariappan