



Interim Appointments for CBI Director

Why in News

Recently, the [Supreme Court](#) told the government that **interim appointments to the post of CBI (Central Bureau of Investigation) Director cannot go on.**

- A **petition** was filed in the Court, objecting to the appointment of interim CBI Director following the retirement of the regular CBI director.

Key Points

▪ Arguments of the Petitioner:

- The **government had failed to appoint a regular Director** through the high-power **selection committee of the Prime Minister, [Chief Justice of India](#) and Leader of Opposition.**
- An interim appointment through an executive order was **not envisaged in the [statutory scheme of the 1946 Act \(Delhi Special Police Establishment Act of 1946\).](#)**
- Urged the court to direct the introduction of a mechanism to ensure that the **process of selection of CBI Director is completed one or two months in advance** of the retirement of the incumbent.
 - In this context, the petitioner referred to the case of **Anjali Bhardwaj v. Union of India (2019)** - related to **vacancies at [Central Information Commission and State Information Commissions.](#)**
 - In this case, the Supreme Court held that "it would be apposite that the process for filling up of a particular vacancy is initiated 1 to 2 months before the date on which the vacancy is likely to occur so that **there is not much time-lag between the occurrence of vacancy and filling up of the said vacancy.**"

▪ About the Central Bureau of Investigation (CBI):

- The CBI was **set up in 1963** by a resolution of the Ministry of Home Affairs.
 - Now, the CBI comes under the administrative control of the Department of Personnel and Training (DoPT) of the **Ministry of Personnel, Public Grievances and Pensions.**
- The establishment of the CBI was **recommended by the Santhanam Committee on Prevention of Corruption (1962-1964).**
- The CBI is **not a statutory body.** It **derives its powers from the Delhi Special Police Establishment Act, 1946.**
- The CBI is the **main investigating agency of the Central Government.**
- It also provides **assistance to the [Central Vigilance Commission](#) and [Lokpal.](#)**
- It is also the **nodal police agency in India which coordinates investigation on behalf of [Interpol Member countries.](#)**

▪ Issues in the functioning of CBI:

- **Legal Ambiguity:** Lack of clearly demarcated spheres of functioning and overlapping

areas of influence severely comprises both the integrity and efficacy of the institution.

- Under the Delhi Special Police Establishment Act 1946, for conduct or continuance of investigation into offences committed within the territory of a state, **consent of the state is crucial.**
- **Weak Human Resource:** Massive shortage of officers at the CBI may hamper quality of investigations and increase pendency, a Parliamentary panel said in the year 2020.
 - The panel observed that **789 posts in executive ranks, 77 posts of law officers** and **415 posts of technical officers and staff** were lying vacant.
- **Lack of Adequate Investment:**
 - Inadequate investment in personnel, training, equipment or other support structures, adversely hampers professional discharge of duties.
 - High quality research and training are crucial for maintaining an effective modern police force imparting it with the operational ability to meaningfully respond to ever changing societal needs.
- **Accountability:**
 - In the past few decades massive strides have been made in imbibing traits of transparency and accountability into public life and institutions.
 - Of equal importance is the need to maintain morale of the force by enforcing stringent internal accountability.
- **Political and Administrative Interference:**
 - Given that the superintendence and control of the agency continues to, in large measure, lie with the executive by virtue of Section 4 of the Delhi **Special Police Establishment Act 1946**, the possibility of it being used as a political instrument remains ever present.

Way Forward

- There is a need to ensure that CBI operates under a formal, modern legal framework that has been written for a contemporary investigative agency. A new CBI Act should be promulgated that ensures the autonomy of CBI while at the same time improving the quality of supervision.
- There is a need to administratively protect CBI from political interference. For this to happen, the new Act must specify criminal culpability for government interference.

[Source: TH](#)

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