



Mains Practice Question

Q. Critically examine how far the various judgments of the Supreme Court bring independence and accountability in the Central Bureau of Investigation. (250 Words)

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Approach:

- Start the answer with the introduction of the Central Bureau of Investigation (CBI).
- Discuss how far the various judgments of the Supreme Court bring independence and accountability in the CBI.
- Conclude suitably.

Introduction

The Central Bureau of Investigation (CBI) is the premier investigating agency dealing with cases of corruption, economic offenses, terrorism, and other serious crimes. However, the CBI has often faced criticism for being influenced by political and bureaucratic pressures, compromising its autonomy and credibility. Therefore, the role of the Supreme Court in ensuring the independence and accountability of the CBI is crucial.

Body

The Supreme Court has delivered several landmark judgments to protect the CBI from external interference and to enhance its professionalism and transparency. Some of these judgments are:

- **Vineet Narain v. Union of India (1997):** This judgment laid down several steps to secure the autonomy of the CBI, such as the appointment of the CBI director by a high-powered committee, and the fixed tenure of two years for the CBI director.
- **Subramanian Swamy v. Director, CBI (2014):** This judgment quashed **Section 6-A of the Delhi Special Police Establishment Act, 1946**, which required prior approval of the Central Government for inquiry or investigation into corruption cases against senior civil servants. The Supreme Court held that this provision was unconstitutional and violated Article 14 (equality before law) of the Constitution.
- **Common Cause v. Union of India (2018):** This judgment **upheld the validity of Section 4A of the Delhi Special Police Establishment Act, 1946**, which provided for a selection committee comprising the Prime Minister, the Leader of the Opposition, and the Chief Justice of India or his nominee to appoint or remove the CBI director. The Supreme Court also directed that any transfer or change in the CBI director's duties should be done only with the prior consent of this committee.

These judgments have brought some degree of independence and accountability in the CBI by reducing political interference, ensuring stability and security of tenure, and establishing a transparent and participatory process for appointment or removal. However, there are still some challenges and limitations that need to be addressed, such as:

- **The lack of financial autonomy** and administrative control over its personnel, as the CBI

depends on the Department of Personnel and Training under the Ministry of Home Affairs for its budget and cadre management.

- The **delay and difficulty in obtaining sanctions** for prosecution from competent authorities hamper the timely and effective disposal of cases.
- The **inadequate infrastructure, manpower, and resources** to deal with the increasing workload and complexity of cases.

Conclusion

The Supreme Court has played a significant role in strengthening the independence and accountability of the CBI, but there is still scope for further reforms and improvements to make it a more efficient and credible institution.

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