



CJI on CBI

For Prelims: Chief Justice of India (CJI), Central Bureau of Investigation (CBI), Delhi Special Police Establishment Act, 1946, Enforcement Directorate, Central Vigilance Commission and Lokpal.

For Mains: Associated Challenges With CBI, Improving Law Enforcement, Police Reforms.

Why in News?

Recently, [Chief Justice of India \(CJI\) N.V. Ramana](#) said that the [Central Bureau of Investigation \(CBI\)](#) has come under deep public scrutiny. Its actions and inactions have raised questions regarding its credibility.

- In pursuit of **reforming law enforcement agencies**, the CJI has proposed an **umbrella, independent and autonomous investigative agency**.

What is 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**.
- CBI derives power to investigate from the [Delhi Special Police Establishment Act, 1946](#).
- The establishment of the CBI was recommended by the **Santhanam Committee on Prevention of Corruption (1962-1964)**.
- 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 investigations on behalf of [Interpol Member countries](#).

What are Associated Challenges With CBI?

- **Political Interference:** The Supreme Court of India has criticised the CBI by calling it a "**caged parrot speaking in its master's voice**", due to excessive political interference in its functioning.
 - It has often been used by the government of the day to cover up wrongdoing, keep coalition allies in line and political opponents at bay.
- **Overlapping Agencies:** A single incident these days gets **investigated by multiple agencies**, often leading to **dilution of evidence, contradiction in depositions, prolonged incarceration of innocents**.
- **Acute shortage of personnel:** A major cause of the shortfall is the government's sheer mismanagement of CBI's workforce, through a system of inefficient, and inexplicably biased, recruitment policies - used to bring in favoured officers, possibly to the detriment of the organisation.
- **Limited Powers:** The powers and jurisdiction of members of the [CBI for investigation are subject to the consent of the State Government](#), thus limiting the extent of investigation by

CBI.

- **Restricted Access:** Prior approval of Central Government to conduct inquiry or investigation on the employees of the Central Government, of the **level of Joint Secretary and above is a big obstacle** in combating corruption at higher levels of bureaucracy.

How Law Enforcement Can be Improved?

- **Creation of Independent Umbrella Institution:** CJI proposed to bring various central agencies like the CBI, [Enforcement Directorate](#) and the [Serious Fraud Investigation Office](#) under one roof.
 - This organisation should be headed by an independent and impartial authority, appointed by a committee akin to the one which [appointed the CBI Director](#).
 - The CJI said one additional in-built safeguard is to have separate and **autonomous wings for prosecution and investigation**, to ensure total independence.
 - A reasonable check and balance would be a provision in the proposed law for **annual audit of the institution's performance** by the appointing committee.
- **Harmonious Relationship between the States and Centre:** With the **police and public order under the State list**, and the burden of investigation is primarily on the State police.
 - The State agencies must be equipped to deal with **increasing challenges in the field of investigation**.
 - The proposed Central law for the umbrella investigative body, **can be suitably replicated by the States**.
- **Bringing Gender Parity:** There was a need for adequate representation of women in the criminal justice system.
- **Bringing Social Legitimacy:** The need of the hour is to reclaim social legitimacy and public trust and the first step to gain the same is to break the nexus with the political executive.
- **Criminal Justice System Reforms:** There is need to implement long overdue [Police Reforms](#) and [dealing with huge pendency of cases](#).

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