

CBI's Power Struggle

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CBI's Power Struggle: Balancing Federalism and Law Enforcement

Context

- A **Parliamentary Standing Committee** has recommended **enacting a new law** to grant the **Central Bureau of Investigation (CBI)** authority to investigate cases without requiring state government consent.
 - This recommendation comes in response to **eight states withdrawing general consent**, limiting **CBI's ability to probe corruption and organized crime cases**.
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Background

- The **Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law, and Justice** examined **CBI's limitations** due to state restrictions.
- **Eight states** have **withdrawn general consent** for CBI investigations:
 - **Kerala, Punjab, Jharkhand, West Bengal, Telangana, Meghalaya, Karnataka, and Tamil Nadu.**
- All these states are governed by **parties outside the BJP-led National Democratic Alliance (NDA)**.
- **Legal Restriction:**
 - Under **Section 6 of the Delhi Special Police Establishment (DSPE) Act, 1946**, **CBI requires state government permission** to investigate cases within their jurisdiction.

- Exceptions exist **only when cases are referred by the Supreme Court, High Courts, or the Lokpal.**
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Key Recommendations of the Committee

1. Enactment of a New Law:

- A **separate or new law** should be introduced to **grant CBI wider investigative powers.**
- The law should allow **CBI to investigate cases affecting national security and integrity without requiring state government consent.**
- The views of **state governments** should be considered while drafting the legislation.

2. Addressing Legal Barriers:

- The **new law would eliminate dependency** on states for crucial investigations.
- This will enable CBI to **act independently in cases of national importance.**

3. Lateral Entry for CBI Officers:

- The **CBI faces a shortage of officers** due to **insufficient nominations from state police forces.**
 - The committee recommended that the **Department of Personnel and Training (DoPT) introduce lateral entry** across various CBI units.
 - **Lack of suitable officers for deputation** has been flagged as a **serious concern affecting operational efficiency.**
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About the CBI

- **India's premier investigative agency**, functioning under the **Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances, and Pensions.**

- **Established in 1941** as the **Special Police Establishment (SPE)**.
- **Renamed as CBI in 1963** by a resolution of the **Ministry of Home Affairs**.
- **Legal Framework:** Operates under the **Delhi Special Police Establishment (DSPE) Act, 1946**.
- **Director Appointment:**
 - Selected by a **committee comprising the Prime Minister, Chief Justice of India, and Leader of Opposition (LoP)**.
 - The process was formalized by the **Supreme Court's Vineet Narain judgment (1997)** and later modified by the **Lokpal and Lokayuktas Act, 2013**.

Functions of the CBI

- **Anti-Corruption Investigations:** Handles **corruption cases** involving **central government employees and Public Sector Undertakings (PSUs)**.
- **Economic Offenses:** Investigates **bank frauds, financial scams, money laundering, and cybercrime**.
- **Special Crimes:** Deals with **terrorism, organized crime, drug trafficking, and human trafficking**.
- **Jurisdiction:**
 - **Can investigate freely in Union Territories.**
 - **In states, CBI requires state government consent**, unless directed by the **Supreme Court, High Courts, or Lokpal**.
- **High-Profile Cases:**
 - Can take over cases at the **request of state governments**.
 - Supreme Court and High Courts can **direct CBI to take up investigations** in

exceptional cases.

Conclusion

- The **Parliamentary Committee's recommendations** highlight the **need for an independent and empowered CBI** that can **investigate serious offenses without state-level restrictions**.
- A **new legal framework** can help **eliminate political and jurisdictional barriers**, allowing **CBI to function more effectively in the national interest**.
- The **implementation of lateral entry** and **streamlining of investigative powers** will enhance **CBI's efficiency and credibility** in tackling corruption and organized crime.



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