Reinstating CBI Director

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Why in news?

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The Supreme court recently reinstated senior IPS officer Alok Verma as CBI Director.

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What are the court's directions?

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- The Central Vigilance Commission (CVC) and the Department of Personnel & Training divested the powers, functions, duties, supervisory role, etc. of Verma as CBI Director through an order passed in October 2018.
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- Accordingly, it has recommended the government to remove Mr. Verma on allegations of bribery and undue interference in corruption cases.
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- The court recently set aside the order and directed that the matter will now be examined by the Committee under Section 4A (1) of the Delhi Special Police Establishment (DSPE) Act, 1946.
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- The committee comprises the Prime Minister, the Leader of Opposition and the Chief Justice of India.
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- It also directed that the issue of divestment of power and authority of the CBI Director is still open for consideration by the Committee.
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- Hence, the selection committee should meet within a week and consider Mr. Verma's powers and authority.
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- Until then, he has been restrained from making any policy decisions and his role will be confined only to the exercise of the ongoing routine functions.

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What does the judgement reveal?

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- The judgment reveals that neither the CVC nor the DoPT is competent to order Mr Verma’s transfer under the terms of the CVC Act and the Delhi Special Police Establishment Act.
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- The government contented that stripping the CBI Director of his duties did not amount to a transfer, but only a measure to deal with an extraordinary situation.
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- However, the court has rejected the government’s decision and has strengthened the principle that the head of the agency should be insulated against any form of interference.
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- The court upheld the decision in the **Vineet Narain case** which has ruled that the removal of CBI Director, including sending him on leave, can only be done by the high powered Committee that selects the Director.
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- Thus, the judgment makes it clear that Verma will have the power to exercise routine functions.
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- This would mean that he can take decisions regarding the important investigations being undertaken by the CBI.
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- Also, though the government has accused the court of judicial overreach into its domain, the SC has underlined the Union government's failure to observe institutional propriety in this case.
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Source: The Indian Express, The Hindu

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