



## Exception to the rule

Allowing yearly extensions to heads of CBI, ED will compromise their autonomy

### TENURE EXTENSION

- Govt amends Fundamental Rules, 1922, to bring them in sync with amendments to the CVC Act and DPSE Act, which govern ED & CBI
- Acts, amended via ordinance, extend maximum tenure of CBI-ED chiefs to 5 yrs
- Amended rules don't change matters for home secy, defence secy & chiefs of IB and R&AW since earlier rules also provided for an extension of service for periods deemed proper by govt

### EXTENSIONS IN 'NATIONAL INTEREST'

- Directors of Central Bureau of Investigation and Enforcement Directorate currently enjoy a tenure of two years
- Law and justice ministry says ordinances allowing for extension to come into immediate effect
- Both chiefs can be given an extension of up to 1 year at a time; tenure not to exceed 5 yrs
- Ordinances stipulate that any extension will have to be recommended by a committee, recording in writing why it would be in "national interest"
- Recently, SC upheld 1-year extension given to ED chief SK Mishra and said no further extension would be given
- Mishra's term, after the extension, ends on November 18

### Vineet Narain vs Union of India (1997):

1. The new law authorising an extension of the services of the heads of the Central Bureau of Investigation and the Enforcement Directorate until they complete a total tenure of five years will seriously compromise the autonomy of those agencies.
2. It goes against the spirit of the Supreme Court judgment in Vineet Narain vs Union of India (1997) which laid down a dictum that the Directors of the CBI and the ED should have a minimum tenure of two years. This was to prevent their sudden transfer out of office if their functioning goes against the interests of the regime of the day.
3. While it did not specifically bar longer terms or extensions, the prospect of getting an annual extension can be an incentive for displaying regime loyalty in the discharge of their duties.

### Beholden to the Government

1. Given that the central agencies have drawn much criticism for their focus on personages linked to Opposition parties, such a measure will be seen as a reward for guided functioning instead of a necessity to keep ongoing investigations on track.

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2. Further extensions that will take the officers' services well beyond superannuation, that too one year at a time, will render the heads of two investigating agencies unacceptably beholden to the Government.
3. Also, in Mr Mishra's case, the Supreme Court declined to interfere with the one-year addition to his original term of appointment, but also said that "extension of tenure granted to officers who have attained the age of superannuation should be done only in rare and exceptional cases". And that the further extension should only be for "a short period".
4. It also made it clear that no further extension shall be granted to him. It is possible that the Government will abide by this order and not give the benefit of the amendment to Mr Mishra, but it does not render the act of authorising year-on-year extensions to future appointees any less detrimental to the public interest.
5. The protection given by a fixed tenure and the use of a high-ranking committee to recommend appointments and transfers were meant to dilute the 'doctrine of pleasure' implicit in civil service. However, it may be breached, if the extension allowed in exceptional circumstances becomes the rule.

### Centre amends rules to clear tenure extension

1. Posts of chiefs of CBI and Enforcement Directorate now added to list of top govt. servants whose term is flexible. The CBI and ED are two of the country's top investigative agencies
2. A day after promulgating two ordinances that would allow the Centre to extend the tenures of the Directors of the CBI and the Enforcement Directorate from two years to up to five years, the Personnel Ministry issued an order to amend the Fundamental Rules, 1922 adding the two posts to the list whose services can be extended by up to two years beyond the two-year fixed tenure in "public interest".
3. The previous list comprised Defence Secretary, Foreign Secretary, Home Secretary, Director, Intelligence Bureau and Secretary, Research and Analysis Wing.

### Is SilverLine on the right track?

1. The Kerala government is facing political heat over its ambitious 540-km-long semi high-speed railway project, SilverLine, which proposes to reduce the travel time between Thiruvananthapuram in the south to Kasaragod in the north.

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2. The project also aspires to open up verdant hinterlands to development, decongest highways and reduce Kerala's carbon footprint. The government has pegged SilverLine's cost at ₹63,941 crores. K-Rail, a Central and State joint venture, will execute the project. Kerala holds a 51% share in K-rail and the Union Railways Ministry holds the rest.

## SILVERLINE: TRAVEL TIME TO BE CUT FROM 12 TO 4 HRS

**LENGTH: 532km**  
**TRACK TO CUT THROUGH 11 DISTRICTS**  
**LAND REQUIRED: 1,226.45 hectares**  
**SPEED OF TRAINS: 200km/hr**  
**COST: ₹56,443 crore**  
 (estimated in May this year)  
**CONSTRUCTION PERIOD: 2020-2024**  
**TRAVEL TIME: Four hours**  
 from Thiruvananthapuram to Kasargod (at present, it is 12-14 hours)

- > Fast accessibility to improve economical and industrial growth
- > Fillip for tourism sector
- > About 11,000 permanent job opportunities



### ENVIRONMENTAL & SOCIO-ECONOMIC BENEFITS

- > Decongestion of road traffic
- > Improvement of air quality
- > Reduction in greenhouse gas emissions
- > Lower noise impact compared to road transport mode
- > Minimal land required at about half of that of four-lane highways

### DISTANCE-TIME CHART

Stop	Distance from T'puram in km	Running time from T'puram
Kollam	55	24 minutes
Chengannur	108.7	48 minutes
Kottayam	142.2	1 hour, 3 minutes
Ernakulam	194.9	1 hour, 26 minutes
Thrissur	259	1 hour, 54 minutes
Tirur	316.45	2 hours, 19 minutes
Kozhikode	357.4	2 hours, 37 minutes
Kannur	448.17	3 hours, 16 minutes
Kasaragod	530.29	3 hours 52 minutes

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## Concerns

1. The environmentalists have said the project poses serious environmental issues. The barrier would impede natural drainage and exacerbate floods during the monsoon.
2. The experts said the government would have to hollow out the Western Ghats to excavate enough granite to raise the rail barrier. It said SilverLine would subsume large expanses of ecologically fragile wetlands and mangrove forests.
3. Opposition parties have suggested a network of small greenfield airports and an augmented railway network to address public transportation woes.

A comprehensive environmental impact study would serve the public interest. The government should shed the perceived opaqueness about the project's financial viability, social impact and execution.