



A candid conversation about the 'caged parrot'

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If the CBI is to tread the path of virtue, it should have a strong leader with a distinct belief in the law and ethics.

Judiciary's gaze is crucial:

1. The Chief Justice of India (CJI) minced no words in condemning the utter subordination of agencies to the executive and its disastrous consequences for the cause of justice.
2. The CJI called upon investigators to stand up to unethical pressures in order not to betray the trust reposed in them by the public.
3. He even dropped a hint that if middle- and senior-level investigators deviated from the path of objectivity and neutrality, they would pay for it dearly.
4. We need a strong Supreme Court and equally strong High Courts to keep our investigators on the straight and narrow path.

Some changes

1. There is no denying the fact that the CBI has been grossly misused by successive governments.
2. Justice Verma was so provoked by state of affairs as in Hawala case 1997 that he went on to prescribe a new clinical procedure for the selection of the CBI chief, giving him also a much needed and fixed tenure of two years during which he could not be removed by the government.
3. It will be incorrect to assert that all this has transformed the CBI into an apolitical and objective body.

Importance of court scrutiny:

1. Meticulous supervision by the Supreme Court in some important cases has made more than a marginal difference to the honesty of investigation.
2. There is palpable fear among CBI officers that the judiciary could intervene were an aggrieved person to prove that an investigator had been arbitrary and dishonest.

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3. It will be unfair to the CBI to say that its investigation has not acquired any greater uprightness than before even after the many reprimands it had received from the higher judiciary.
4. It is also that the allegation of political interference has been blown out of proportion, because only about 10% of cases handled by the CBI have political overtones.

What is needed

1. It is not enough if the middle-rung supervisors alone are straightforward. If the CBI has to tread the path of virtue, it should have the strongest leader with a distinct belief in the law and ethics.
2. It is equally true that a Prime Minister will support you nine times out of 10 if you present your view in a rational and reasonable manner. If a Director is unable to display even this element of courage he should not be heading the organization.
3. Finally, many do not endorse the CJI's proposal of an umbrella organization that will oversee all investigating agencies. This idea was meant to avoid having multiple agencies looking into the same set of allegations.
4. Apart from its impracticality, such a novel body could generate its own problems — of turf wars and ego clashes.