



Reinstated, conditionally

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Supreme Court rejects the Centre's contention in the CBI Director's case, but softens the blow

- In setting aside the orders divesting Alok Verma of his functions and duties as Director of the CBI, the Supreme Court has strengthened the principle that the head of the agency should be insulated against any form of interference.
- The court took up the matter in the midst of an unseemly tussle for supremacy between Mr. Verma and Special Director Rakesh Asthana, with corruption charges being traded.
- However, the court's interim order asking for a time-bound inquiry into the charges against Mr. Verma is now of no avail, as the Bench, headed by Chief Justice Ranjan Gogoi, has chosen to deal only with the major question of law involved.
- The decision has gone against the government, with the court holding that the action taken against Mr. Verma amounted to a 'transfer', something that cannot be done by any authority except the high-powered selection committee headed by the Prime Minister in terms of the 2003 amendments to the law.
- The court has been mindful of the fact that an officer could be stripped of his power without being formally transferred to another position, thereby achieving the objective of interfering with the agency's functioning by oblique means.
- Its decision will further strengthen the CBI's independence.
- However, it is intriguing that the court passed a consequential order to the selection committee to meet within a week and consider Mr. Verma's powers and authority.
- Having set aside the orders of the government divesting Mr. Verma of his powers, as well as the CVC's order recommending the action, the court could have reinstated him unconditionally.
- What it has done, instead, is to soften the blow it had dealt the government by giving it an opportunity to achieve through the

committee route what it could not do successfully through its midnight 'coup'.

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