

CENTRE'S BUREAU?

States withdrawing general consent should worry the CBI — onus is on the agency, not its masters, to ensure its credibility

THE MAHARASHTRA GOVERNMENT'S decision to withdraw the "general consent" given to the CBI to investigate cases in the state is disquieting. Maharashtra is not the first state to flag this distrust of the federal agency: Andhra Pradesh, West Bengal and Chhattisgarh have done the same in recent times. On each such occasion, the state government had hinted that it suspected the agency of acting at the behest of the Centre. The CBI has, in the past, been called a "caged parrot" that sings the Centre's tune. There is a formidable body of evidence to establish that through much of the last three decades and even now, when an investigation is not being monitored by the court, the agency has served as pretty much its master's voice—especially when it comes to its role as anti-corruption watchdog. Preliminary enquiries, FIR, cases, charge sheets, all are filed, dropped, put on hold depending on who is in power and what they want. The current confrontation strengthens the perception that states in opposition see the Centre as weaponising the agency to keep the heat on Opposition-led governments.

That doesn't help the agency. More so, when despite Prime Minister Narendra Modi's refrain of "cooperative federalism", Centre-state relations have been on a downward spiral. The Uddhav Thackeray government's decision on the CBI seems to be driven by the suspicion that the agency may take over a case regarding the manipulation of TV viewership figures that the state police is investigating. A day earlier, the CBI had, quietly, taken over a similar case in UP. Previously, the CBI had taken over the Sushant Singh Rajput investigation from Maharashtra police on a plea by the NDA government in Bihar. To ensure due process, the courts, of course, can and should ignore the state government's reservation and order the agency to investigate a case. However, when the Centre and the state play tug-of-war with the investigation, it diminishes the credibility and authority of the CBI.

And yet, the CBI remains the first port of call for governments to signal that they favour a fair probe insulated from politics that may hobble the local police. This is the agency's strength and it needs to leverage it. For, the onus of ensuring the CBI's reputation is primarily on the CBI – helped by an independent judiciary – since there will be no incentive for the political executive to ensure that. The Supreme Court's terms on the director's appointment – by including the Opposition in the selection panel and fixing terms – has brought some reform but much more needs to be done. In the end, it is up to the parrot to decide what kind of a cage it has been put in – and whose tune it should sing.