

Did the Central Government violate Sections 4A and 4B of the Delhi Special Police Establishment (DSPE) Act, when it divested CBI Director Alok Verma of his responsibilities on 23rd October 2018?

Section 4A, DSPE Act

The Centre can only appoint a CBI Director on the recommendation of a 3-member Selection Committee: Prime Minister, Chief Justice and Leader of the Opposition

Section 4B, DSPE Act

(1) – CBI Director guaranteed a minimum 2-year tenure

(2) – CBI Director **cannot** be transferred without the consent of the Selection Committee (4A)

Issue	Petitioner	Respondent	Judgment	Likelihood
Did the Centre violate the 2-year min tenure provision [4B(1)], when it divested Dir. Verma of his responsibilities?	Yes: divestment of powers & resp. equates to removal/transfer.	No: Verma is still the CBI Director.	No: Security of tenure not violated.	Very Likely
Did the Centre “transfer” Verma, when it divested him of his responsibilities?	Yes: Divestment is in-effect “transfer”. Interim Dir. has taken over. Centre violated 4B(2).	No: Verma is still the CBI Director & still enjoys his official accommodation.	No: transfer must be understood in literal technical sense. Retains accommodation, retains designation, etc. No consent of Sel. Com. required.	Very Likely
Must appointment under S.4(A) be broadly understood to include divestment of responsibilities?	Yes: The aim of the S.4(A) is to insulate the CBI Dir. from executive influence. Divestment requires Sel.Com. approval under S.4(A).	No: S.4(A) to be read literally. Sel.Com. only involved in appointment and not ancillary matters.	No: S.4(A) definitively limits role of Sel.Com. to appointments.	Likely
Does the CVC have the power to investigate the CBI Director himself?*	No: The CVC is limited to supervising on-going CBI cases & not investigate CBI personnel.	Yes: The CVC has the power to investigate the CBI Director.	Yes: Supervision includes investigation of CBI personnel.	Uncertain

*On 23rd October, the Central Government ordered the CVC to investigate the corruption charges raised Dir. Alok Verma and Spcl. Dir. Rakesh Asthana. The CVC has submitted a status report of its investigation in a sealed cover to the Court. The Court declared that it will only evaluate the content of the report, only after is has determined whether the CVC has the power to investigate Dir. Verma.