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CJI vs CBI

- Recently Chief Justice of India (CJI) N.V. Ramana said the Central Bureau of Investigation (CBI) has come under serious public scrutiny. Its functions and inaction have put a question mark on its credibility.
- In an effort to reform law enforcement agencies, the Chief Justice has proposed an umbrella, independent and autonomous investigative agency.

Central Bureau of Investigation (CBI):

- The Central Bureau of Investigation (CBI) was established in the year 1963 by a resolution of the Ministry of Home Affairs.
- Now the CBI comes under the administrative control of the Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances and Pensions.
- CBI gets the power of investigation from the Delhi Special Police Establishment Act, 1946.
- Establishment of CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962–1964).
- CBI is the main investigating agency of the Central Government.
- It also provides assistance to the Central Vigilance Commission and the Lokpal.
- It is also the nodal police agency in India, which coordinates investigations on behalf of Interpol member countries.

Challenges related to CBI:

Political interference:

- The Supreme Court of India criticized it for excessive political interference in the affairs of the CBI and called it a “caged parrot speaking in the voice of its master”.

- It has often been misused by the outgoing government to cover up its wrongdoings, to put pressure on coalition partners and to harass political opponents.

Overarching Agencies:

- Currently, the same incident is investigated by multiple agencies, which often leads to weakening of evidence, conflicting statements, and lengthy prison terms for innocent people.

Huge shortage of personnel:

- One of the main reasons for this is the mismanagement of the CBI workforce by the government, through inefficient and needlessly biased recruitment policies, which are used to bring in the desired officers, which affects the efficiency of the organisation.

Limited Powers:

- The powers and jurisdiction of the members of the CBI for investigation are subject to the concurrence of the State Government, thus limiting the scope of investigation by the CBI.

Restricted Access:

- Prior approval of the Central Government to conduct investigations or investigations on employees of the rank of Joint Secretary and above in the Central Government is a major deterrent in combating corruption at the higher levels of the bureaucracy.

How can law enforcement be improved?

Creation of Independent Umbrella Institution:

- The CJI has proposed to bring various central agencies like CBI, Enforcement Directorate and Serious Fraud Investigation Office under one roof.
- Its organization should be headed by an independent and impartial authority appointed by a committee by which the CBI Director should be appointed.
- The CJI said having a separate and autonomous wing for prosecution and investigation is an additional built-in safeguard to ensure complete independence.
- There will be provision for a proper check and balance in the proposed law for annual audit of the performance of the institute by the Appointments Committee.

Cordial relations between the states and the center:

- The burden of police and public order and investigation under the State List is mainly on the State Police.
- State agencies should be strengthened to deal with the increasing challenges in the field of investigation.
- The proposed central law for an umbrella inquiry body can be suitably replicated by the states.

Bringing Gender Equality:

- There is a need for adequate representation of women in the criminal justice system.
- Social legitimacy is the need of the hour so that social legitimacy and public trust can be regained and the first step to achieve this is to break the alliance with the political executive.

Reforms in the Criminal Justice System:

- There is a need to implement long pending police reforms and deal with pending cases.

Chandigarh: Punjab and Haryana

- Recently the Chief Minister of Punjab introduced a resolution in the Vidhan Sabha, demanding immediate transfer of Chandigarh to Punjab.
- The long-running dispute between Punjab and Haryana over Chandigarh escalated when the Center notified Central Service Rules instead of Punjab Service Rules for employees in the Union Territory.
- Punjab was reorganized through the Punjab Reorganization Act, 1966, in which the state of Punjab was merged with Haryana and the Union Territory of Chandigarh (also the joint capital of Punjab and Haryana) and parts of Punjab into the erstwhile Union Territory of Himachal Pradesh.

When and how did Chandigarh become the capital of Punjab?

- After the partition of India, the Indian government wanted a beautiful and modern capital for Punjab in India like Lahore. It was at this time that the idea of Chandigarh was conceived.
- In the year 1966, the state was divided into Punjab and Haryana, parts of which came under Himachal Pradesh.
- Chandigarh remained the capital of Punjab till the formation of Haryana State.

- During the reorganization of Punjab, the central government had announced that the state of Haryana would get its own capital.
- In the year 1970, the Center announced that “Chandigarh Capital Project Area should go to Punjab as a whole”.
- Haryana was asked to use office and residential accommodation in Chandigarh for five years till it becomes its capital.
- However, Chandigarh remained a Union Territory as Haryana did not make it its capital.
- As per the Punjab Capital (Development and Regulation) Act, 1952, properties in Chandigarh were to be divided between Punjab and Chandigarh in the ratio of 60:40.

What were the claims made on Chandigarh later?

- In August 1982, the Akali Dal (political party), expressing dissatisfaction with the Punjab Reorganization Act, launched a protest aimed at realizing the goals of the 1973 Anandpur Sahib Resolution.
- The Anandpur Sahib Resolution adopted by the Akali Dal in 1973 demanded that the jurisdiction of the Center should be restricted to defence, foreign affairs, communication and currency and all residuary powers should be vested in the states.
- Among other demands, it asked for the transfer of Chandigarh to Punjab.
- Rajiv-Longowal Pact was signed in 1985 between the then Prime Minister Rajiv Gandhi and Akali leader Harchand Singh Longowal.
- The Central Government, among other things, agreed to transfer Chandigarh to Punjab and the date of actual transfer was fixed on 26 January 1986.
- However, less than a month after the signing of the agreement, Longowal was assassinated by terrorists.

What are union territories and how are they different from states?

- Union Territories (UTs) are directly governed by the Central Government.
- Part VIII of the Constitution deals with the administration of Union Territories.
- The President of India appoints an Administrator or Lieutenant Governor for each Union Territory. In practice this means that the Union Territories obey the will of the Central Government.
- The concept of Union Territories was not there in the original version of the Constitution, but it was added by the Constitution (Seventh Amendment) Act, 1956.

- Union Territories are governed in different ways depending on whether they have a legislature or not.
- Smaller union territories are administered directly by the central government, for example Chandigarh, Daman and Diu and Dadra and Nagar Haveli are union territories without any elected legislature.
- Puducherry and Jammu and Kashmir, on the other hand, have a Legislative Assembly and elected government with a Lieutenant Governor. The situation in New Delhi is completely different and it exists between a Union Territory and a State.
- According to Article 3 of the Constitution of India, the constitutional power to create new states and union territories in India rests entirely with the Parliament of India.
- Parliament can do this by declaring new States/UTs, separating a specific region from the existing State or merging two or more States/UTs or parts thereof.

Pradhan Mantri Awas Yojana

- Recently Prime Minister inaugurated 5.21 lakh houses of beneficiaries of Pradhan Mantri Awas Yojana (PMAY)-Gramin in Madhya Pradesh.

Pradhan Mantri Awas Yojana Rural:

Launch:

- It was launched by the Ministry of Rural Development to achieve the objective of 'Housing for All' by the year 2022. It may be noted that the erstwhile 'Indira Awas Yojana' (IAY) was restructured as 'Pradhan Mantri Awas Yojana- Gramin' with effect from April 01, 2016.

Objective:

- Providing pucca houses with basic amenities to all rural households who are homeless or living in kutcha or dilapidated houses by the end of March 2022.
- To provide assistance in the form of full grant to rural families living below poverty line (BPL) in construction of housing units and up-gradation of existing unused kutcha houses.

Beneficiary:

- People belonging to SC/ST, free bonded labor and non-SC/ST categories, widowed women, kin of defense personnel, ex-servicemen and retired members of paramilitary forces, persons with disabilities and minorities.

Selection of Beneficiaries:

- Socio-Economic Caste Census 2011 through three phases of verification, Gram Sabha, and Geo-tagging.

Cost Sharing:

- The cost of the unit assistance is shared between the central and state governments in the ratio of 60:40 for plain areas and 90:10 for north eastern and hilly states.

Features:

- Minimum house size increased to 25 sq m (from 20 sq m) with clean cooking space.
- Unit assistance has been increased from Rs.70,000 to Rs.1.20 lakh in plain states and from Rs.75,000 to Rs.1.30 lakh in hilly states.
- Assistance for construction of toilets will be availed through convergence with Swachh Bharat Mission-Gramin (SBM-G), MGNREGA or any other dedicated source of funding.
- Efforts will also be made for convergence of various government facilities like piped drinking water, electricity connection and LPG gas connection.

Pradhan Mantri Awas Yojana- Urban:

- **Launch:** Pradhan Mantri Awas Yojana (PMAY) was launched on June 25, 2015 with the main objective of providing housing to the people of urban areas by the year 2022.
- **Implementation:** Ministry of Housing and Urban Affairs.

Features:

- It ensures pucca houses for the eligible urban poor by addressing the lack of urban housing among the urban poor (including slum dwellers).
- This mission covers the entire urban area (including statutory town, notified planning area, development authority, special area development authority, industrial development authority or any authority under state legislation entrusted with the task of urban planning).
- Under PMAY (U), basic facilities like toilets, water supply, electricity and kitchen are provided to all households.

- This scheme promotes women empowerment by providing ownership of houses in the name of female member or in joint name.
- Priority is given to persons with disabilities, senior citizens, scheduled castes, scheduled tribes, other backward classes, minorities, single women, transgender and weaker sections of the society.

Divided into four workspaces:

- In-situ rehabilitation of existing slum dwellers using land as a resource through private participation.
- Credit linked subsidy.
- Affordable housing in partnership.
- Subsidy for beneficiary-led private house construction/repair.

Fifth BIMSTEC Summit: Colombo

- Recently the fifth summit of the BIMSTEC (Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation) group was held in Colombo (Sri Lanka).

Highlights of the summit:

- **BIMSTEC Charter:** The signing of the BIMSTEC Charter was the main outcome of this summit.
- Under this charter all the members meet once in two years.
- With the Charter, BIMSTEC now has an international presence. Also it has an emblem, and also a flag.
- It has formally listed objectives and principles.
- In order to develop the formal structure of the organization, the leaders of the member countries have agreed to divide the working of the grouping into seven sections, with India leading the security pillar.
- **Master Plan for Transport Connectivity:** The Summit has announced the Master Plan for Transport Connectivity, which will provide a framework for regional and domestic connectivity.
- **Other agreements:** Member countries have also signed a treaty on mutual legal assistance on criminal matters.
- A Memorandum of Understanding (MoA) was also signed on setting up of BIMSTEC Technology Transfer Facility (TTF) in Colombo (Sri Lanka).
- India will provide 1 million US dollars to the (BIMSTEC) Secretariat to increase its operating budget.

BIMSTEC:

- The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a regional organization with seven out of five members from South Asia, including Bangladesh, Bhutan, India, Nepal and Sri Lanka and two – Myanmar and Thailand are from East Asia.
- This sub-regional organization came into existence in the year 1997 through the Bangkok Declaration.
- With 21.7 per cent of the world's population and a combined Gross Domestic Product (GDP) of US\$ 3.8 trillion, BIMSTEC has emerged as an influential engine of economic growth.
- The secretariat of BIMSTEC is in Dhaka.

Institutional Mechanism:

- BIMSTEC Summit
- Ministerial meeting
- Senior Officers Meeting
- BIMSTEC Working Group
- Business Forum and Economic Forum
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