

Investigative Delays and Erosion of Public Trust: Reassessing CBI Credibility, Accountability and Institutional Autonomy in India

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Abstract: *The investigative delays carried out by the central agencies have a direct effect on the rule of law and on the confidence that citizens place in institutions. This article looks at the Central Bureau of Investigation (CBI) in India by focusing on the delays in its investigations and the resulting decline in public trust. Based on case studies from 2014 to 2026, along with an analysis of media commentary and the observations of the Supreme Court, the study claims that although the CBI is still constitutionally important, its credibility has been damaged by three closely linked factors: political dependence, limitations in resources and the absence of statutory autonomy. The paper also examines the various mechanisms of accountability and the aims of reform - such as establishing a statutory basis, adopting collegium-style appointments and providing tenure protection - in order to restore institutional autonomy. The main argument put forward is that "speed of justice" and "perceived neutrality" are the two criteria by which public trust in the CBI will have to be rebuilt in the digital, high-scrutiny era.*

Keywords: CBI, Investigative Delay, Public Trust, Institutional Autonomy, Accountability, Rule of Law

1. Introduction

The Central Bureau of Investigation is a supreme investigating agency in India. It investigates high-profile criminal, corruption and investigation cases. This agency was established in 1941 as the Special Police Establishment (SPE) by the Government in India. Initially its responsibility was to investigate bribery and corruption, pertaining to war related procurements. It got its new name i.e. Central Bureau of Investigation on 1 April 1963. Its establishment was recommended by Santhanam Committee on Prevention of Corruption (1962-1964). It is a bare fact that the Central Bureau of Investigation is not a statutory body. The Delhi Special Police Establishment Act, 1946 empowers the CBI to investigate the cases. It is administered by the Department of Personnel and Training of the Ministry of Personnel, Public Grievances and Pensions of the Union Government which is headed by a Union Minister who is headed by the Prime Minister of the nation. By 2014, the CBI Director was to be appointed on the basis of the DPSE Act, 1946. But the DPSE Act was revised in 2003 on the recommendation of the Supreme Court in the Vineet Narain Case. (Vineet Narain and others VS Union of India and another on 18 Dec 1997) The Lokpal and Lokayuktas Act, 2013 introduced a provision to appoint a committee to appoint the CBI Director. The head of the committee would be the Prime Minister of India.

It goes without saying that the CBI's credibility is questioned because it is not accountable to the people of the country. "Having regard to the direction in which the investigations were leading, we found it necessary to direct the CBI not to report the progress of the investigations to the person occupying the highest office in the political executive. This was done to eliminate any impression of bias or lack of fairness or objectivity and to maintain the credibility of the investigations. In short, the procedure adopted was of "continuing mandamus"." (Vineet Narain Case 1997). A bench of the Supreme Court of India led by Justice RM Lodha

aversed that the Central Bureau of Investigation was a "caged parrot speaking in its master's voice". (Coalgate Scam Investigation) The then CBI Chief Ranjit Sinha also consented to Supreme Court's observation about the CBI. He said, "whatever the Supreme Court said is correct."

Moreover, the CBI does not fall under the provisions of Right to Information Act, 2005. It proves that the CBI is not accountable to the citizens of the nation and it works only for the Prime Minister of the country. The Supreme Court observed in the case S Vijayalakshmi VS Union of India (WP No 14788,2011) that "... During the hearing, the appellant submitted that the sought for information should be provided to him as it involves larger public interest and are related to corruption and corrupt practices indulged in by the said organisation. In such situations, the exemption provided Section 24 of the RTI Act cannot be fully claimed. The CBI is not just like a police organisation for Central Government undertaking investigations related to corruption cases, financial fraud etc. Their main duty is investigation only. He also submitted that as per the Supreme Court Judgement, the CBI is duty bound to upload all its FIR's on its websites like other police establishment. So CBI is like other police stations authorised to register FIR, file charge sheets and conduct prosecution and appeals in criminal cases. **Actually, it is not entitled to blanket exemption from the applicability of RTI ACT, 2005 under Section 24 because its main function is to conduct investigation into cases of such nature.**

It is often said that Justice Delayed is Justice Derived. There are innumerable instances that speak volumes of the deliberate delays on the part of CBI. To cite a few Ramavatar Jaggi Murder Case in which the Supreme Court condoned CBI's 1373-day delay in challenging Amit Joggi's acquittal in 22- year old murder case. Sajjan Kumar Case in 1984 Anti Sikh Riots faced substantial and inordinate delay. "Something has to be done. It can't go on like this," said a bench of Justice

Madam B Lokur, Justice Kurian and Justice AK Sikri in the probe of coal scam cases, "Noting that a considerable time has already been taken" the court recorded 'unhappiness' over the 'prolonged delay'..." (Dec15,2015) It has also been a part of controversy that the CBI never reveals the year-wise pendency publicly every year. It lacks transparency.

It is imperative to reassess CBI's credibility, accountability and institutional autonomy in India.

2. Literature Review

The institutional trust theory emphasis on the reason of developing confidence in societal organisations like governments, courts and schools. The CBI is also a societal organisation which is supposed to act fairly, ethically and efficiently within its assigned legal or social role. The Vohra Committee Report submitted in 1993 by the former Indian Home Secretary NN Vohra that express the criminalization in politics and the nexus between criminals, politicians and bureaucrats in India. It recommended to empower and disassociate law enforcement and intelligence agencies from political interference because people with criminal background easily win the elections of local bodies, state assemblies and parliament. The former CBI Director, Joginder Singh, candidly confessed that the investigating agency has no autonomy. "Till the CBI is not given a constitutional status like the Election Commission, it would have no autonomy. But no politician would agree to it. Hence, the agency will be like any other wing of the centre, like the Health Department of Food and Supply," Joginder Singh said, BO Rothstein wrote in 2008, "Based on analyses of political theory, we propose a more coherent and specific definition of ROG: the impartiality of institutions that exercise government authority. We relate the idea of impartiality to a series of criticisms stemming from the fields of public administration, public choice, multiculturalism and feminism. To place the theory of impartiality in a larger contrast, we then contrast its scope and meaning with that threefold set of competing concepts of quality of government: democracy, the rule of law and efficiency/ effectiveness." Rothstein and Teorell focused on impartiality, rejection of favouritism and procedural fairness so that the citizens develop confidence in the agencies. But the CBI has miserably failed to become objective, transparent and fair. The 2G Spectrum case is a good example to showcase the working style of the investigating agencies. The Supreme Court of India found the allocations arbitrary and illegal in 2012. It cancelled all 122 licences. But a special CBI court acquitted all accused i.e. A Raja and DMK MP Kanimozhi in 2017. The Supreme Court did not find any evidence against the accused. "Special CJI Judge O.P Saini rued that despite having "religiously" devoted seven years to 2G Scam cases, no 'legally admissible evidence' was placed before him by CBI." O.P Saini said, "Public perception has no place in judicial proceedings." Easton's theory of Feedback has no place in dispensing justice. It has to be accepted that the police system receives inputs from society and processes them. The Feedback of the citizens determine the future course of action. The case of Gurmeet Ram Rahim Singh, the head of the Dera Sacha Savda is a perfect example of the CBI's political interferences. A CBI court sentenced Ram Rahim to life imprisonment in 2021 for murdering Ranjit Singh, Dera

Manager in 2002. In May 2024 the Punjab and Haryana High Court acquitted him and four others. He was also sentenced to life imprisonment in 2019 for murdering Ram Chander Chhatrapati, a journalist. But the Punjab and Haryana High Court acquitted him in 2026 noting coerced witness testimony. It implies that the CBI's decision was politically motivated to tarnish an individual's image.

Anatomy of Investigative Delays in CBI

The Hindu reported on 1 Sep2025, "As many as 7072 corruption cases probed by the CBI were pending trial in different courts, with 379 of them for over 20 years, according to the latest annual report of the Central Vigilance Commission (CVC). The Print published the heading on 15 Nov 18, "CBI has become the Central Bureau of Inactivity." Alok Verma, Director, CBI and Rakesh Asthana, Special Director, CBI were sent on forced leave, which caused unnecessary delay in all major investigations, registration of cases and even file work.

The Jain Hawala Case can also be cited here. The CBI registered an FIR on 4 March 1995 against S K Jain, J K Jain and others under Prevention of Corruption Act (PCA) and FERA. V Venkatesan in the Article Twists in Jain Hawala Case wrote, "Although the main case against leading politicians such as L K Advani and V C Shukla collapsed because the uncorroborated diary entries indicating illegal payments to politicians did not constitute evidence, the case filed against industrialist S K Jain... continue to be fought in courts." All accused involved in the case such as Jain Brothers were discharged due to lack of proof regarding illegal foreign exchange acquisition in 2017-2018. The case was registered in 1995, weakened in 1997-1998 and concluded in 2018. The case of former Tamil Nadu Chief Minister J. Jayalalithaa speaks volumes of the CBI's delays and political interference. Subrananian Swamy lodged a complaint in 1996 against Jayalalithaa accusing her of accumulating disproportionate assets. The Directorate of Vigilance and Anti - Corruption (DVAC) registered an FIR against her. The charge sheet was filed in a special court in Chennai in 1997. The Supreme Court of India transferred the case from Chennai to Bengaluru in 2003. She was convicted on 27 September 2014. The Karnataka High Court acquitted her on 11 May 2015 and she became the Chief Minister. She passed away on 5 December 2016 during her fifth term as Chief Minister. The Apex Court on 14 February 2017 abated the criminal proceeding against her due to her death. Justice could not be done in 20 years. She lived, ruled and enjoyed for nearly decades. This is the real face of justice, investigations and prosecution in our country. The High- Profile Cases are delayed and quashed. This working style creates a negative image of the CBI. It happens because it works under political pressure. It lacks public accountability. It also has the scarcity of officers. It has limited powers as it has to acquire the consent of the State and Central Government to investigate any case in a state or centre. The Court said, "Therefore members of a police force belonging to the union territory can have their powers and jurisdiction extended to another State provided the Government of that State consent."

Management of Advance Insurance Co. Ltd VS Shri Guru Dasmal and Others on 4 March1970.

The CBI may have any number of challenges but its working affects the general public. The problems and challenges cannot cripple a legal system. The lame excuses of the CBI has diminished its credibility.

3. Case Studies of Credibility Crisis

1) The Bofors Scam

The Indian Government signed a deal with Swedish arms manufacturer A B Bofors worth Rs 1437 crore for the supply of 400 155mm Howitzer guns for the Army in 1986. A Swedish radio channel alleged in 1987 that A B Bofors had bribed the Indian politicians and defence personnel. The CBI lodged an FIR in 1990 against the President of Bofors Martin Ardbo and middleman Win Chadda and the Hinduja Brothers. The Delhi High Court quashed charges against Hinduja Brothers and A B Bofors in 2005. A Supreme Court Bench dismissed the CBI appeal in 2018 on grounds that the agency could not satisfactorily explain a delay of 4522 days in filing it. The Supreme Court rejected the final appeal, and ended all legal proceedings in 2026. Rajiv Gandhi got clearance by the Delhi High Court in 2004. It implies no corruption was found by the CBI and the Apex Court.

2) Saradha Chit Fund Scam

The Saradha Group was established by Sudipta Sen in 2006. It primarily worked in real estate, chit funds and media. The securities and Exchange Board of India (SEBI) confronted the group pertaining to unregulated money-pooling methods in 2009. The group failed to return the depositors money in 2013. It was estimated Rs2400-2500 crore. Its chairman Sudipta Sen and Debjani Mukherjee were arrested from Jammu and Kashmir in 2013. The CBI got the case through the Apex Court in May 2014. It filed the charge sheet against Sudipta Sen, Debjani Mukherjee and Kunal Ghosh in Oct 2014. Many politicians and ministers were arrested from 2015-2019. Sudipta Sen was granted bail by the Calcutta High Court and Supreme Court on 8 April 26 and 18 April 26 after 13 years of detention due to prolonged incarceration and missing trial records. The trial is still pending after over 13 years. The citizens of India have been waiting for justice for such a long time. No one can ignore the fact that delayed justice is injustice.

3) Coal Block Allocation Case: Late Dr Manmohan Singh

The Coal Block Allocation Case popularly known as Coalgate was initiated in March 2012. The CAG's (Comptroller and Auditor General of India) leaked draft report revealed massive irregularities in the distribution of coal between 1993 and 2010. It was claimed that the then government did not maintain transparency in allocation, which caused a great financial loss to the nation. The CBI was directed by CVC to enquire the case in May 2012. A PIL was filed in the Supreme Court of India in September 2012. Dr Manmohan Singh, the then PM of India was accused of the massive irregularities. The Apex Court declared that the coal block allocations made from 1993 to 2010 were arbitrary, illegal and non-transparent in 2014. 214 out of 218 allocated blocks were cancelled on 24 September 2014. A special CBI court summoned Prime Minister Manmohan Singh in March 2015. But the Apex Court stayed the summons against him. A special CBI court convicted HC Gupta, Former Coal Secretary in May 2017 in connection with the irregularities involving Kamal Steel and

Power Ltd. The Supreme Court gave a clean chit to Dr Manmohan Singh in July 2026 after his demise. It accepted the closure report of CBI mentioning a clean chit to the former Prime Minister Dr Manmohan Singh in the Talabira-II Coal Block Allocation Case. The case was initiated in 2012 and was closed in 2026. The case was enquired for 14 years. He was declared innocent after his death.

Is it justice? Is it justice denied? What about the compensation of the reputation which was tarnished publicly? The Indian citizens do not get any justified reply from the CBI.

Cases Against Arvind Kejriwal in Excise Policy Irregularities

The CBI lodged an FIR in Aug 2022 in the Delhi Excise Policy Irregularities naming Manish Sishodiya. He was arrested by the CBI on 26 June 2024 from Tihar Jail. The CBI filed a supplementary charge sheet against Kejriwal as an accused on 29 July 2024. He was discharged by a Delhi trial court on 27 Feb 2026. The court said that it lacked prime-facie evidence. The CBI moved to the High Court against this decision.

The FIR was lodged in 2022 and the supplementary charge sheet was filed in 2024. The accused was set free in 2026. The four- years investigation of the CBI failed. The voters of the country kept asking, "Was it politically motivated?" If not, why could the CBI not produce sufficient evidence after the four- years probe?

Public Trust and Institutional Legitimacy

The Social and Political Barometer 2023 Survey revealed interesting facts about public trust. The question number 16 Some people believe that the government agencies like CBI, ED etc are being used against the opposition parties by the ruling party for political vendetta whereas others believe that these agencies are doing their job within the bounds of law? Out of 7202 electors 2284 (31.7%) agreed the agencies are used for political vendetta. (Lokniti CSDS) The same question was asked in 2024 survey and out of 10019 electors 3525 (35.2%) said that the agencies are being used for political vendetta.

The Consumer Justice Report 2026 released on 18 March 2026 by IJR (India Justice Report) found that the case pendency increased by 21% from 2020 to 2024, exceeding 5.15 lakh cases. It goes without saying that procrastinated justice is denied justice. Charles Mollo says, "To deny or delay justice, is injustice." The role of the CBI is questioned and interrogated by the public at large. It is a fact that delay erodes trust. It also reduces the conviction rate and increases managed investigations.

Accountability Vs Autonomy

The Central Bureau of Investigation is not an autonomous body. It is currently accountable to Central Vigilance Commission for corruption and bribery cases. It is governed and controlled by the Department of Personnel and Training (DOPT), which falls under the Prime Minister's Office. It is not a statutory body. It gets its powers from the old Delhi Special Establishment Act of 1946. The Chronicle writes, "CBI is governed by the Delhi Special Establishment Act. This Act ensures CBI has jurisdiction over conduct of Central

Governments and Departments and its employees. Therefore, for CBI to investigate a case involving State Government employees or a violent crime in any given state requires the consent of the respective state.”

4. Recommendations and Conclusion

The CBI’s effectiveness can be increased if it is not controlled and administered by the government. The political interference in their transfer and promotion has to be restricts. So that the investigating agency can enjoy autonomy and investigate the cases with freedom and ease. It should not get its powers through DSPE Act. There must be a separate “Central Bureau of Intelligence and Investigation Act”. The L P Singh Committee recommended in 1978 a “comprehensive central legislation to remove the deficiency of not having a central investigative agency with a self - sufficient statutory charter of duties and functions.”

The second Administrative Reforms Commission in 2007 also suggested, “new law should be enacted to govern the working of the CBI.” I should be empowered to investigate cases in any state of India without receiving the consent of the state concerned. The agency has to be provided ample human resources. It must not feel the shortage of the state to investigate the high profile, corruption or assassination cases. A Parliamentary panel (March 27, 2025) recommended lateral entry for specialists in cyber-crime, forensics, financial frauds, legal domains who will investigate the cases expeditiously. The panel also recommended an Independent Recruitment Framework where a CBI- specific exam should be conducted by SSC, UPSC or an independent body for a permanent cadre with structured career growth. It was also suggested that the agency should have an in-house expert team to reduce this dependence on external specialists.

The citizens of the nation must have trust on the investigating agency and it is the accountability of CBI to investigate the cases timely, objectively and fairly. There is no scope for any political or bureaucratic interference. Only then justice can be done to the citizens.