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## **Introduction**

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

## **Preface**

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## **Description**

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

**INVESTIGATING THE INVESTIGATOR: A  
COMPARATIVE ANALYSIS OF THE AUTONOMY OF  
STATE AND CENTRAL INVESTIGATING AGENCIES  
TO INDIA'S QUASI-FEDERAL FRAMEWORK**

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**Abstract**

The autonomy of investigating agencies in India faces contradictions within its quasi-federal system. The Constitution places law and order as a responsibility of the State. However, the Centre controls strong investigative bodies like the Central Bureau of Investigation (CBI), Enforcement Directorate (ED), and National Investigation Agency (NIA). This dual structure often leads to jurisdictional conflicts, raises concerns about political misuse, and questions the independence of investigations.

This research examines the financial, operational, and legal autonomy of investigating agencies at both the State and Central levels. It references scholarly literature, structure of the investigating agencies and comparisons with the law enforcement in the United States and the United Kingdom. The paper argues that India's current model encourages dependence and political influence. The findings reveal that centralised funding, unclear appointment processes, and vague constitutional guidelines undermine autonomy. The paper concludes with recommendations to establish an independent oversight body, decentralise finances, and create clear appointment procedures to safeguard the independence of investigative bodies in India's federal democracy.

## **Introduction**

The forefathers of India have not explicitly mentioned in the constitution that the country is a federal country. However, it has followed the concepts and policies of federalism through a quasi-federal structure. The conceptual support by the three paramount institutions in India, has allowed Federalism to become a fundamental platform for governance. The quasi-federal structure is visible in investigating agencies also where at the centre there are different agencies when compared to state.

The study is an attempt to understand the federalistic ideas in dependence of investigation agencies. The collaborative and sometimes overlapping jurisdiction of these agencies introduces unique challenges in fiscal oversight and operational autonomy.

At the heart of this discussion is the issue of autonomy. Investigative agencies should operate fairly and follow the rule of law. This subject has been of prime importance as highlighted by authors, Adrian Levy and Cathy Scott-Clark in regard to RAW<sup>1</sup>. However, their dependence on governments for funding, appointments, and jurisdiction often limits their independence. Former Chief Justice R.M. Lodha famously referred to the CBI as a "caged parrot," emphasising its servitude to political interests. Some States have withdrawn "general consent" from the CBI, asserting their constitutional right to manage policing within their territories. This research aims to examine the constitutional, financial, and political challenges that weaken investigative autonomy and to draw lessons from other federal democracies.

## **Statement of the Problem**

For all investigation agencies, governments and institutions of the same, there is a sovereign backing for them to exercise their powers. At the end of the day, any such organisation or institution needs funds to operate and execute their functions. The problem in such a setting is that investigative agencies receive their funding as well as appointments from the government. This concept challenges the autonomy of investigative agencies and may render them dependent and answerable to the governmental hegemony established statutorily. Resultant dominance

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<sup>1</sup> Adrian Levy & Cathy Scott-Clark, *Spy Stories* (2021)

challenges the sole goal of independent and fair investigation by the agencies at both the centre and the state. This creates a void which needs to be addressed. Thus the problem is established.

### **Research Gaps:**

The researcher has aimed to study this topic mainly due to the on-ground gaps in investigation during criminal trials.

1. The unforeseen answerability of investigation officers to politically influential people.
2. **Absence of a transparent constitutional framework governing fiscal freedom/independence of the investigation agencies.** The absence of a tribunal to supervise the independence of investigation agencies creates a wormhole.
3. **Difficulties of investigation between the union and state governments during criminal investigations.** In multiple instances, the state and union investigation agencies have locked horns regarding investigations, as both operate under different authorities. However, the unfortunate struggle for jurisdiction and the desire to satisfy the longing for credit and fame lead to injustice.
4. Absence of an independent appointment structure of the chief heads of the investigation agencies and their interdependence, resulting in perpetual accountability to the members of the government.

### **Research Questions:**

1. What are the key constitutional and statutory provisions governing the financial relations of investigating agencies at respective levels?
2. How are funds allocated to criminal investigation agencies at both the Union and state levels?
3. What challenges arise from the current system of financial relations in ensuring effective law enforcement and investigation?
4. Whether any other country has a better prevalent structure for providing resources and financial independence to investigating agencies.
5. How can fiscal policies and frameworks be improved to enhance crime investigation capacity across India?

### **Research Objectives:**

The researcher aims to provide bold and dynamic solutions to maintain the autonomy of the investigation agencies. Therefore, the researcher has chosen the following objectives as a guiding path to this research paper:

- I. To examine the constitutional and statutory provisions governing the financial relations of the Union and State investigating agencies with their respective governments.
- II. To identify and analyse the problems faced in fiscal coordination, resource sharing, and operational autonomy for law enforcement agencies, along with the possibility of compromises by the investigation agencies on the behest of the ruling government.
- III. To provide policy recommendations to improve the effectiveness and equity of financial relations in supporting criminal investigation activities.

### **Hypothesis**

Investigating agencies at various levels of governance are dependent on the executive of the state, which naturally mitigates the will to act independently at the state and union levels.

### **Research Methodology:**

The researcher is going to follow a secondary research methodology for this research, along with content analysis. The researcher has chosen the following modes to conduct this research.

1. Relevant constitutional statute analysis. In this, the researcher shall be referring to the articles in the constitution and the judicial interpretation of these articles over time.
2. Understanding the published recommendation reports along with finance commission reports, budgetary documents and parliamentary debates to understand the implications of governance on investigation agencies.
3. Reviewing scholarly articles, commentaries, and government reports to better provide recommendations and identify gaps and prevalent problems.

### **Limitations:**

1. **Legal Ambiguity:** the jurisdictional and legal ambiguity present between multiple investigating machinery does not allow the machinery or the independent agencies to

function freely.

2. **Vague Constitutional provisions:** In an attempt to make the constitution inclusive in nature, the provisions have been kept vague for interpretation, thus adding to the perplexing nature of this study.
3. **Inconsistent Judicial interpretations:** this has only added to the confusion, as different interpretations over time tweak the powers of the investigating machinery.
4. Limited access to the financial data of the investigating machineries mentioned in this paper.
5. **The researcher does not have a free oversight of the institutional practices:** This results in the research being based on disclosed and publicly available practices only.
6. **Time constraint:** the researcher is constrained by time when researching and does not have ample time to cover the innumerable years in which the statutory investigation machinery has developed.
7. The researcher has been limited to the **available legal texts and judgments** in the public domain.
8. The researcher is also limited by territory as the researcher is situated in the city of Pune and is a part of the full-time course of LLM 2025-2026 in Symbiosis Law School, Pune.

### Literature Review

To understand the federal structure of the investigating agencies in India, it is imperative to understand the hierarchy as well as the jurisdiction of various agencies.

India has structured a substantial investigative network based on federalism, by giving way for a national, state and local investigative agency. At the national level, departments such as the CBI and Enforcement Directorate have jurisdiction across the country. At the state level, departments such as the Maharashtra Police operate across the state to enforce their jurisdiction. These state-run investigative agencies investigate all crimes under legal enactments. At the local level, agencies such as the Mumbai Police enjoy their local urban jurisdiction and investigate local crimes according to the country's criminal code. It is pertinent to note that the Mumbai Police is an urban

branch of the state police and is not independent of the state police. The federal spirit lies in the fact that the local Police department has the intellect to understand the local problems but also has the responsibility to cater to the state demand.

Pratap Bhanu Mehta observes that Indian federalism often has an "anxiety," as the Centre regularly intrudes into State matters, often through investigative agencies.<sup>2</sup> Scholars have long debated the weaknesses of Indian federalism in terms of institutional independence. Sivarama Krishnan points out that fiscal centralisation reduces State autonomy, especially in law enforcement, which the Constitution assigns to the States. Dibyojit Mukherjee highlights bias in central agencies, including political bias and selective enforcement, raising concerns about transparency. Dr. Ahmed Raza also notes the strategic misuse of the ED and CBI during elections to sway State politics.<sup>3</sup>

State agencies are not immune. David Bayley and K.S. Subramanian document extensive corruption and political manipulation within the police.<sup>4,5</sup> Deana Heath's *Policing and Violence in India* stresses the historical role of police in enabling coercion and brutality for political elites.<sup>6</sup>

This body of literature suggests that the independence of investigative agencies is compromised at both Union and State levels but in different ways.

### **Autonomy Challenges**

One key finding of this literature review is that the autonomy of investigating agencies in India faces several issues. These challenges come from structural dependencies in the following scenarios:

**Fiscal Dependence:** Both Union and State investigative agencies rely entirely on annual budget allocations from the government. Neither level has an independent funding source or legal financial guarantees. This reliance hurts long-term planning, investment in technology, and the ability to resist executive pressure. It is a lesser-known fact that although the state governments are primarily responsible for funding their police forces and allocating funds for their respective

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<sup>2</sup> Pratap Bhanu Mehta, 'The Anxiety of Indian Federalism' *Indian Express* (2019)

<sup>3</sup> Saurav Das, 'Despite Weaponisation of ED' *Article 14* (8 July 2024)

<sup>4</sup> David H Bayley, *Corruption and the Police* (MIT 1969).

<sup>5</sup> K S Subramanian, *Political Violence and the Police in India* (2007).

<sup>6</sup> Deana Heath, *Policing and Violence in India* (Oxford University Press 2025).

state police, the centre also contributes to these funds under the modernisation of Police forces (MPF) scheme. For Example, the states are grouped under mainly two categories for funding. All the north eastern states receive 90:10:: Centre: State fund allocation along with Jammu and Kashmir. In the second category, all the remaining states get 60:40:: Centre: State sharing<sup>7</sup>. The clear spirit of federalism is visible where the union government aids the state to increase their efficiency.

**Political Control over Appointments:** The state government appoints the police commissioners on advice of a panel including the DG of Police and Chief Secretary. Similarly, for the appointment of CBI officers also, the central government has an integral role to play thus creating a dependency. The central government also pays the state police for infrastructure development thus making central ministers to have power over the state police also.

**Jurisdictional Conflicts:** The overlapping authority of central and State agencies often leads to conflicts. A notable example is the withdrawal of “general consent” to the CBI by States like West Bengal, Maharashtra, and Kerala. Once consent is withdrawn, the CBI cannot register new cases in these States without specific permission, which causes delays, legal challenges, and tensions between the Centre and States. Additionally, when both central and State agencies investigate the same case at the same time, turf wars can arise, often delaying justice and diverting resources from effective investigation.

**Weaponisation of Agencies:** The perception and reality of selective enforcement present one of the most politically visible challenges.<sup>8</sup> The Enforcement Directorate (ED) has faced accusations of disproportionately targeting opposition politicians. Data from 2014 to 2024 shows a sharp increase in ED cases against non-ruling party leaders, raising serious concerns about fairness. This weaponisation undermines public trust and turns investigative bodies from tools of justice into instruments of political strategy.

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<sup>7</sup> Ministry of Home Affairs, F. No. 21011/27/2014-PM-I (Sept. 4, 2014) (India)

<sup>8</sup> Ajay K Mehra, ‘The Uses of Investigating Agencies’ *The Wire* (12 November 2022)

**The fear of no purpose after retirement:** Many senior officials of the investigating agencies succumb to political wills because they want to earn and procure a position on some upcoming committee or advisory board which allows them to earn a respectful living and an additional remuneration to their pension amounts. This invisible but monumental appetite for more often challenges their morals and ethics and at times annihilates these ethics and morals also.

**Lack of Oversight:** Lastly, India does not have a strong, independent oversight system for investigating agencies. In India, judicial oversight exists but is often sporadic, reactive, and dependent on individual cases. There is no permanent statutory body for ongoing oversight, allowing both abuse of power and inefficiency to continue without checks.

### Case Law Analysis

Judicial actions have significantly shaped the independence of India's investigative agencies, but not always in a way that supports federal balance. In *Vineet Narain v. Union of India* (1997)<sup>9</sup>, often viewed as a turning point in administrative reform, the Supreme Court sought to protect the CBI and ED from executive interference by establishing fixed terms for their directors and requiring structural safeguards. However, the application of these rules has been inconsistent. This inconsistency has made the agencies susceptible to political manipulation. Later, in *Subramanian Swamy v. CBI* (2014)<sup>10</sup>, the Court emphasized independence by striking down Section 6A of the DSPE Act, which required prior government approval before investigating senior officials. This ruling removed a key barrier to accountability and aimed to empower the CBI to act without political permission.

Nevertheless, the Court has sometimes leaned toward centralization. In *State of West Bengal v. Committee for Protection of Democratic Rights* (2010)<sup>11</sup>, it found that constitutional courts could direct the CBI to investigate without needing State approval. This decision diminished the States' control over policing, which is typically their responsibility. Similarly, in *Common Cause*

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<sup>9</sup> *Vineet Narain v Union of India* (1997) 4 SCC 778.

<sup>10</sup> *Subramanian Swamy v CBI* (2014) 8 SCC 682.

<sup>11</sup> *State of West Bengal v Committee for Protection of Democratic Rights* (2010) 3 SCC 571 (India)

v. Union of India (2018)<sup>12</sup>, allegations of political misuse of the CBI were presented to the Court. This brought back the idea of the “caged parrot” and raised serious concerns about agency independence.

In a series of cases that concluded with the 2022 litigation on the Enforcement Directorate under the Prevention of Money Laundering Act (PMLA), the Supreme Court recently affirmed the broad authority of the ED to arrest, search and seize, although a great deal of criticism is raised on potential abuse and lack of accountability.<sup>13</sup>

All in all, such decisions signify a legal trend that being at times heavy in independence, in most cases, increases the authority of central authorities at the cost of State sovereignty. This trend has heightened the tension within the quasi-federal system of India because the judiciary system might have implicitly enhanced the central control over the investigative arena.

### **Comparative Perspectives**

When we look at the international frameworks offering many insights that how democracies balance investigative autonomy with a sense of accountability. For our country, the most relevant examples are United Kingdom and the United States, where both the countries have unique statutory approaches and oversight methods.

#### **United Kingdom:**

In the UK, there exists a spirit of federalism to the investigating agencies. Nationwide investigating agencies such as National Crime Agency, Serious Fraud Office, MI5 exercise jurisdiction across the nation. As we filter down, the states (countries) such as England, Wales, Scotland and Northern Ireland which act as independent sovereigns also at different instances have their own respective investigating agencies. As there is a structure of quasi country status as to the likes of the four states of the UK; the Great Britain, Scotland, Northern Ireland and Wales, instead of state police, they territorial police forces when considering the Great Britain and Wales. Scotland recently started

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<sup>12</sup> Common Cause v. Union of India, (2018) 15 S.C.C. 12 (India)

<sup>13</sup> *Enforcement Directorate v Vijay Madanlal Choudhary* (2022) 10 SCC 1 (India)

the Police of Scotland in 2013 and similarly in 2001 the Police Service of Ireland was also formed. Having a quasi-state authority allows the territorial/local police understand the local problems better.

The Independent Office for Police Conduct (IOPC) is a body that was created under reforms that concluded with the Policing and Crime Act 2017 and it started functioning in 2018. It is a public body that is responsible for overseeing how complaints against the police are being managed in England and Wales. Consequently, such investigations in Scotland are carried out by the Police Investigations and Review Commissioner (PIRC).

A sense of assurance of independent operation is the biggest strength that allows IOPC to avoid any potential bias within the police that helps in reducing cover ups and building public trust.

It's commitment to public reporting and regulatory standards will boost the transparency and accountability that ensures any misconduct will be examined openly.

When it comes to applicability, even though it is not fully funded, IOPC gives an example of how external oversight body can increase credibility and accountability. A similar model may be an Indian Investigative Agencies Oversight Commission (IAOC), which is more likely to have legal support and certain mechanisms of guaranteed funding.<sup>14</sup>

### **United States**

The states follow a substantial investigative network based on federalism, by giving way for a national, state and local investigative agency. At the national level, departments such as the FBI and Homeland Security have jurisdiction across the country. At the state level, departments such as the California Highway Patrol and the Pennsylvania State Police operate across states to enforce their jurisdiction. These state-run investigative agencies investigate and regulate traffic issues, statewide investigations and rural policing. At the local level, agencies such as the Los Angeles Police Department and the Chicago Police Department enjoy their local urban jurisdiction and

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<sup>14</sup> Justin Walker, "FBI Independence as a Threat to Civil Liberties," *George Washington Law Review*, Vol. 86 (2018)

investigate local crimes according to the country's criminal code. A highlight of this system is that the local and state investigating agencies are independent of each other. For example, the Chicago Police Department is independent of the Illinois State Police Department. The local policing system operates under the supervision of the city government and the Mayor's office.

The federal agency, the FBI, functions on the basis of statutory provisions<sup>15</sup> that give the Attorney General the authority to designate officials to detect and charge crimes against the United States. During its time with the Department of Justice, the FBI is subjected to an oversight system that is complicated. In 1978, the Inspector General Act established the Office of the Inspector General (OIG) that has the authority to conduct audits, investigate misconduct and also publish findings as an independent body.

The main strength of the American system is that it has layers of oversight that consists of internal inspectorates, legislative oversight and judicial checks which form a strong system of accountability. Another clear advantage of the FBI is the clear jurisdiction on the federal and national issues so that there is no confusion related to the federal and state investigative power.

Its credibility and efficiency of its operations is also increased by professionalization and legal norms.

But the limitation for India is the fact that the FBI is part of the executive arm of government, it subjects to political pressures as witnessed in the Watergate case and the recent presidential scandals. Indian situation does not have such means of oversight of regular legislative oversight. A total absorption of the FBI model will jeopardize the repetition of such weakness in India.

### **Findings and Results (Answering Research Questions)**

This research mainly focused on five main research questions that examines how the independent agencies in India operate within its quasi-federal framework. The findings during the research showcase significant structural dependence in the current system that compromises the

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<sup>15</sup> 28 U.S.Code 533: Investigative and other officials; appointment

independence of investigation.

The first research question was regarding the investigating agencies with respect to financial relations through the scope of constitutional and statutory rules. The terms like "police" and "public order" in the State list under Entry 2 of seventh schedule in the Constitution of India<sup>16</sup> affirms State Authority in law enforcement whereas Entry 8 of the Union list allows the Parliament to make laws regarding "Central Bureau of Intelligence and Investigation". This system creates a controlled legal base for the Union agencies like Central Bureau of Investigation (CBI)<sup>17</sup>, the National Investigation Agency (NIA)<sup>18</sup> and the Enforcement Directorate (ED)<sup>19</sup>. These agencies are mainly governed by laws such as Delhi Special Police Establishment Act 1946, the National Investigation Agency Act 2008 and Prevention of Money Laundering Act 2002. Even though both the Union and State agencies are divided through legislative powers, it still relies on the government for its financial budget needs and do not have guaranteed financial independence.

The second research question was basically on how the funds will be allocated at both the Union and State level. During the research, the finding on this was that, the Union level agencies will receive funds through the annual Union budget that is designated by the Ministry of Home Affairs. But for the police forces and specialized investigative units at the state level will be funded through annual State budget approved by their respective legislatures. However, the funding remains subject to executive control in both the cases which makes it vulnerable to political influence.

The next research question was on the examination of the challenges that are related to the financial structure. The research shows that depending on the budgets that are controlled by executive harms autonomy and allows for the grip for politicians. The conflicts over the jurisdiction arises especially when the states withdraw their general consent for CBI Investigation that creates tension between Union and State authorities. In addition to this the central agencies tend to be better funded and equipped while the state police forces is facing a lot of chronic underfunding. Also,

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<sup>16</sup> Constitution of India, Seventh Schedule, Entries 2 & 8.

<sup>17</sup> Delhi Special Police Establishment Act 1946 (India).

<sup>18</sup> Prevention of Money Laundering Act 2002 (India).

<sup>19</sup> National Investigation Agency Act 2008 (India).

the lack of transparency in audits and external oversight will diminish credibility and will weaken public trust in Investigative institutions.

The fourth research question provided us with a comparative overlook at the structures in other countries. The Independent Office for Police Conduct (IOPC) that is established under Policing and Crime Act 2017 in United Kingdom serves as an example of statutory Independence. It has the authority to reduce the internal bias system by initiating its own investigations into police misconduct. But it still relies on the Home Office for its finances which limits its ability to resist political influence. Another model like Federal Bureau of Investigation (FBI) in United States derives its authority from 28 U.S.C & 533 and will operate under the Department of Justice. In USA, there are various channels like the Department of Justice Office of Inspector General that is created by the Inspector General Act 1978. This kind of layered system helps in balancing the investigative power and accountability as already seen in the Watergate scandal and many other controversies. These both models illustrate that the independence must be joined by strong oversight and financial protections.

The final research question was being focused on different ways to improve the fiscal frameworks for stronger investigative capacity in India. Our research suggests that a particular dedicated fund towards Investigative Agencies should be given which will be supported by the Constitution or any statutes and managed by the Comptroller and Auditor General who will then ensure consistent financial autonomy. This fund can be used as a set up with baseline allocations based on formulas, specific project grants and emergency reserves that are all protected from the influence of executive. Independent budget would also further more improve transparency by Parliamentary Standing Committee.

When we go beyond the financial reforms, the findings from the research highlight the need for clear appointments and job protection. Involving an agreement between two opposite political parties for leadership appointments like representatives, opposition, executive and civil society would help in reduction of politicization. Institutional independence can be strengthened by having a fixed and non-renewable term that will be subject to review by special tribunal.

In India, there is also a need for independent oversight and accountability. For instance, establishing an Investigative Agencies Oversight Commission (IAOC) with legal authority to investigate the misuse, review appointments and publishing annual reports to Parliament would be a great boost for the credibility. Also, by creating an ombudsman for complaints and requiring the publication of the data on investigation, prosecution and asset recovery would further increase transparency in the system.

Another interesting part of research finding highlights the urgent need for clear jurisdiction to resolve the conflicts between central and state agencies. A Memorandum of Understanding between central and state agencies can establish a strong cooperation on sharing evidence, protecting witnesses and dividing the tasks.

It is also indicated in the research that institutional capacity and professional development are required to be stronger. There is a need for establishment of a National Forensic Infrastructure Authority with labs in different regions that offers independent career opportunities to forensic and investigative specialists that would assist in decreasing the political influence and enhancing technical capacity. Better rights to protect the witnesses, victims and whistleblowers would also contribute to the impeccability of the investigations

Generally, these results show that the quasi-federal system in India has put investigating bodies at the mercy of political and financial favours by imposing a weak strength in their operation on a neutral basis. The system in U.K. and U.S. indicates that the operational autonomy must be provided with the layered control and financial assurances. In the case of India, a hybrid model that helps guarantee funding, transparent appointments and even introduce legal oversight is viable as well as constitutionally valid. These reforms would restore the balance between the Union and the States as well as hold investigative agencies accountable to the law instead of political interests.

### **What India Should Borrow? (Recommendations)**

To begin with, just like the UK IOPC, the concept of an independent investigatory role that is the ability of agencies or oversight bodies to start their investigation themselves is a necessity in

building trust in the population. Secondly, based on the U.S.A's FBI, India must obtain a model of a layered oversight that incorporates inner legislative and judicial checks. So India can draw at least two of these lessons out of these comparative examples.

It is just as crucial what India will have to change. In contrast to IOPC, an Indian oversight body cannot be defunded by the executive and must be constitutionally guaranteed to be financially independent. In the same manner, while moving towards the U.S. pattern of arranged oversight, India needs to protect against the undue influence of executive power by enshrining the safeguards in both legal and constitutional forms.

Additionally, a central database for all state police forces needs to be created so that all police forces can refer to each other's data and consequently apprehend the accused or investigate more efficiently. To increase the efficacy and effectiveness of this system, the data needs to be gathered in a common language and recorded in the same. With the development of AI, the local language data can also be converted into a common language, which could be accessible to all.

Comparative models between these countries indicate that a unique solution to the autonomy of investigations does not exist. The IOPC stresses the significance of external control, and the U.S. proves that several layers of control may strengthen accountability even to the agencies within the executive branch. In the case of India, there needs to be an alternative approach of independent appointments, where the funding will be done with the help of a Finance Commission and judicial safeguards can be considered as a realistic and advantageous approach. These reforms would result in fair administrative agencies, financially independent agencies and an agency that is guided by constitutional principles rather than political influence.

### **Conclusion**

In criminal justice system, the role of investigating agencies is very important. They have the mandate to ensure the upholding of the rule of law. In India, however, in its quasi-federal system, they have been weakened by their financial dependence, political domination and indistinct jurisdictions. The attempt to improve the police state forces through new schemes is a

commendable effort and the interlinking of state central departments is imminent. This has resulted in a two-tier structure whereby the Union as well as the State agencies are at risk of being interfered by the ruling governments. The next step is creating an independent supervising body with the powers to initiate legal proceedings against incompetent officers and influential people who attempt to influence the course of an investigation.

The critical lesson for India is that there should be systematic, arranged supervision. Rather than putting agencies under the complete authority of the executive, India should merge statutory inspectorates, parliamentary committees and judicial review. This would assist in minimising the problem of political interference and also even more balanced system of checks and balances.

This study highlights the sense of urgency in the need to reform to ensure people investigative bodies are not pressurized by politics. Public trust can be restored with the help of independent administration, definite appointment procedures and improved funding. The issue of improving autonomy is not an administrative problem-solving but it is a key to maintaining the federal balance in India and the values of democracy.

### **Bibliography**

1. Adrian Levy & Cathy Scott-Clark, *Spy Stories* (2021)
2. Constitution of India, Seventh Schedule, Entries 2 & 8.
3. Vineet Narain v. Union of India (1997) 4 SCC 778
4. State of West Bengal v. Committee for Protection of Democratic Rights (2010) 3 SCC 571
5. Subramanian Swamy v. CBI (2014) 8 SCC 682
6. Common Cause v. Union of India (2018) 15 SCC 12
7. Ministry of Home Affairs, F. No. 21011/27/2014-PM-I (Sept. 4, 2014) (India).
8. Enforcement Directorate v. Vijay Madanlal Choudhary (2022) 10 SCC 1
9. Ajay K. Mehra, "The Uses of Investigating Agencies," *The Wire*, (Nov 12, 2022)
10. Saurav Das, "Despite weaponisation of ED," *Article 14*, (July 8, 2024)
11. David H. Bayley, *Corruption and the Police* (1969)

12. K.S. Subramanian, Political Violence and the Police in India (2007)
13. Deana Heath, Policing and Violence in India (2025).
14. Pratap Bhanu Mehta, “The Anxiety of Indian Federalism,” Indian Express (2019).
15. Maloy Krishna Dhar, Open Secrets: India’s Intelligence Unveiled (2005).
16. Justin Walker, “FBI Independence as a Threat to Civil Liberties,” George Washington Law Review, Vol. 86 (2018).

