

OAKMUN
2025



Background Guide **AIPPM**

**Discussing the Functioning of
Enforcement Directorate (ED), CBI, and
Alleged Political Vendetta**

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Letter from the Executive Board

Greetings Delegates,

It is our privilege to welcome you to SEAMIE Oak MUN 2025, and to the All India Political Parties Meet (AIPPM), one of the most dynamic and exciting committees in the circuit.

Unlike other committees that follow structured international diplomacy, AIPPM is a simulation of the Indian political arena. It is messy, loud, confrontational, yet deeply strategic. It is a space where you, as delegates, are expected to step into the shoes of real political leaders and defend your portfolios in ways that reflect not only their ideology but also their political ambitions.

This year, our agenda is one that cuts to the heart of India's democratic functioning: "Discussing the Functioning of the Enforcement Directorate (ED), the Central Bureau of Investigation (CBI), and the Alleged Political Vendetta."

The ED and the CBI are India's premier investigative agencies. They hold immense power: the ability to summon, arrest, raid, attach property, and shape narratives. But with great power comes great scrutiny. Over the decades, these agencies have been hailed as crusaders against corruption while simultaneously being dismissed as "political tools" used by ruling parties against their rivals.

Delegates must remember that this agenda is not about black and white answers. It is about shades of gray. Do these agencies uphold democracy by fighting corruption, or do they erode democracy by stifling dissent? Or is the truth somewhere in between?

We encourage you to go beyond mere facts. Research your portfolio's historical position, political strategies, and public statements. Think like politicians, not just students. We want fiery debates, sharp points of order, dramatic walkouts, witty press releases, and carefully drafted bills.

Let this committee remind us all that democracy thrives not in silence but in accountability, conflict, and resolution.

Sincerely,

SEAMEI OAKMUN'25 AIPPM Executive Board.

Aarav Ankur Motreja - Head Chairperson

Talin Krishna Ashok - Moderator

Rules of Procedure

Roll Call: At the beginning of each session, the chairperson(s) shall record the presence of each participant, and determine quorum, as well as simple and special majority.

Opening Statement: Members of the Committee will be given 90 seconds (per member) to present an opening statement outlining their portfolio's views on the agenda.

This is a non-exhaustive list, and the committee will return to opening statements in the absence of passage of any other motion.

Discussion Sessions (Moderated Caucuses): Members of the Committee will decide and pass a motion to enter a discussion session, with both a fixed topic and time per speaker. Forming the core medium of debate in the committee, there will be two forms of engagement post speech, namely:

- **Points of Information** – Members will be allowed to question speakers on the topic of the discussion session, or on the content of their speeches.

Note: Members shall not use Points of Information to request a delegate to repeat any part of his/her speech.

- **Points of Order** – This point may be raised in rebuttal to another delegate's speech. It points out a mistake or flaw in the delegate's speech. A delegate asking a point of order must quote verbatim the part of speech containing an error made by the speaker.

This point can be of two types:

1. *Factual Inaccuracy*
2. *Logical Fallacy*

Coordination Sessions (Unmoderated Caucuses): A form of informal debate that allows the delegates to speak freely amongst each other for a set amount of time, without a particular topic being discussed.

Motions: Above sessions shall be proposed by individual delegates, and voice-voting will be conducted to determine the passage of said motion.

- Those in favour of the motion, when prompted, must say "Aye."
- Those against the motion, when prompted, must say "Nay."

Documentation:

- **Press Releases** – A Press Release, as the name suggests, is a method of informing the committee, via a news agency, of any new developments in committee. Press Releases may be sent at any point of time when in formal session, except during Question Hour, Zero Hour and Tabling of Bills.
- **Draft Resolutions/Draft Bills** – The function of the legislature of a nation is to draft laws, and hence we expect a bill to be tabled as the final resolution of this committee. To be submitted to the dais, the final document requires 1/3rd of the committee's strength as signatories, and can generally have 2 sponsors.
 - A sponsor will be expected to present the bill to the committee, as well as respond to any queries from the committee or the Executive Board regarding the contents of the bill. A signatory wants to see the bill discussed in committee, and need not agree with the content of the bill.
 - A delegate may be a signatory to multiple bills, but a sponsor cannot be a signatory to any bill, including his own. Further clarification on which format documentation is expected to be presented can be sought during committee meetings.

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Introduction to Committee

With more than 2000 registered political parties in India and the constant change in politics of the nation, the All-India Political Parties Meet (AIPPM) is typically called before the parliamentary session takes place. The AIPPM is a convention that allows the diverse political groups of India to reach a consensus on decisions of national importance, before a parliamentary session begins. With the absence of legislative power of the parliament, the forum allows for unrestricted political debate, discussions and deliberations which may not be allowed in parliament due to time constraints, this body also aids in providing a better insight into national issues. The AIPPM committee in MUN aims to mimic this reality by reproducing the stages of policies and jurisdiction, with delegates representing personalities from the divergent group of Indian political parties.

While stepping into the shoes of assigned politicians, the AIPPM committee expects its representatives to be well versed with their political party's ideology, manifesto and beliefs which will help the representatives grasp the multi-layered processes that go behind policy-making and governance in India, providing them with an explicit experience to the hitches and hurdles that political parties accost in modern times. The AIPPM committee, unlike other conventional MUN committees, is characterised by heated debates, cross talks, high levels of negotiations and political democracy which echoes hopes of change and evolution!

Agenda Synopsis

- It is essential that justice be done, and it is equally vital that justice not be confused with revenge, for the two are wholly different. — Oscar Aria
- Our country has been built upon the foundation of various elements, our national movement, our hardworking citizens and our great constitution. A constitution is the foundation of a well-functioning democracy. Not only is it important to safeguard our constitution, but it is just as crucial to enforce it. A country whose constitution is just a namesake cannot achieve success.
- India (that is Bharat), implements its constitution through various means. Our courts protect our rights and guarantee justice when violated, our legislature carries out its duties outlined in the Constitution and our executive branch enforces the laws and punishes those who break them. It is within this tripartite balance that our country's government functions. The balance of these organs is crucial to its functioning. If one gains too much power over the other, our democracy is threatened.
- Let us focus on the executive, more specifically the CBI (Central Bureau of Investigation) and the ED (Enforcement Directorate). We know that the police deal with criminal cases among other things, but two organisations are considered the paragon of India's most competent investigators, the ED and CBI. Both have recently been topics of scrutiny.
- The ED is a statutory body and reports to the Ministry of Finance. Its primary role is investigating economic offences, primarily the PMLA and the FEMA (more information below). The CBI meanwhile is not a statutory body but it reports to the CVC (Central Vigilance Commission), which is a statutory body. The CBI also depends on the Home Ministry and the Ministry of Personnel for various reasons.
- Both these agencies are key for guaranteeing justice in complex cases and taking the courage to prosecute some of the biggest cases independently. However, in recent years, allegations of misuse and political pressure on these government machinery have surfaced. Opposition leaders and their family members have often found themselves at the receiving end of investigations by these agencies in recent months, with several allegations of partiality and selectively targeted investigations marring these institutions. Former Minister Meenakshi Lekhi even joked when she was interrupted in her speech: "Keep quiet or ED may arrive at your home"
- Another concern raised by several people is how BJP politicians and politicians who either switched to BJP or joined the NDA seem to have their cases either dropped by the CBI and ED or its investigation slowed down. Often referred to as the 'Washing Machine', these allegations have been levelled against a plethora of prominent figures such as but not limited to Ajit Pawar, Hemanta Biswa Sarma, Ramesh Pokhriyal, Narayan Rane, Naveen Jindal etc. Another allegation has been that the timings of the arrests, especially that of Arvind Kejriwal have been centred around the election season.
- Note: It is neither the EB's place nor its intent to comment upon any of these cases. The names have been mentioned for delegates to research. In no way is the Executive Board's place to judge the veracity of these allegations, it has simply mentioned these from various articles.

Structure and Jurisdiction: CBI

Origins of the CBI

- The CBI traces its roots to the Delhi Special Police Establishment (DSPE), created in 1946 to investigate corruption in wartime procurement.
- In 1963, the DSPE was reorganized into the CBI by a resolution of the Ministry of Home Affairs. Jawaharlal Nehru envisioned it as an agency to check corruption at higher levels of government.
- Over time, the CBI took on cases of economic fraud, large-scale scams, and politically sensitive crimes.

Early Role of the ED

- The ED was created in 1956 as an “Enforcement Unit” to handle foreign exchange violations under the Foreign Exchange Regulation Act (FERA).
- After the **Prevention of Money Laundering Act (2002)**, the ED became a far more powerful institution, able to attach property, arrest suspects, and conduct raids.

Growth and Controversy

- Both agencies became deeply entangled with politics. Indira Gandhi's Emergency (1975–77) saw central agencies used against opponents.
- In the 1990s, liberalization and new corruption scandals (Harshad Mehta scam, Jain Hawala case) put them back into the spotlight.
- In the 2000s and 2010s, massive scams like **2G Spectrum** and **Coal Block Allocation** made the CBI and ED household names.

Organizational Structure:

The CBI is a multidisciplinary organization, equipped with expertise in areas such as law, forensic science, and accounting. The Director, who heads the agency, is chosen by a high-powered committee to ensure independence. Below the Director are Special Directors, Additional Directors, Joint Directors, Deputy Directors, and a hierarchy of officers who manage various branches and units across India. Each level has specific roles, with senior officers typically handling more complex and sensitive cases. The Director has a fixed tenure, enhancing the agency's stability and continuity.

Divisions and Wings:

- *Anti-Corruption Division:* This division focuses on cases involving corruption within central government departments and public sector enterprises. It handles bribery, misuse of office, and other forms of corruption by public servants.

- Economic Offenses Division: Deals with complex financial crimes such as bank fraud, securities fraud, money laundering, and violations of economic laws. This division requires officers with specialized knowledge in finance and economics.
- Special Crimes Division: Investigates serious crimes including terrorism, bomb blasts, organized crime, and high-profile murder cases. This division works closely with other national and international agencies to combat cross-border crimes.
- Directorate of Prosecution: Provides legal advice and handles prosecution in courts. This directorate ensures that cases are built on solid legal grounds and supports investigating officers with legal expertise.

Investigation Process:

- *Preliminary Enquiry (PE)*: The CBI begins with a PE to determine the authenticity of the allegations. This involves initial data collection and verification of facts without coercive measures.
- *Registration of First Information Report (FIR)*: If the PE indicates sufficient grounds, an FIR is registered, formally initiating an investigation.
- *Investigation*: This stage involves collecting evidence, examining witnesses, conducting searches and seizures, and utilizing forensic and technological tools. The CBI employs modern techniques such as digital forensics and surveillance to gather solid evidence.
- *Prosecution*: After completing the investigation, a chargesheet is filed in the appropriate court. The prosecution directorate supports this phase, ensuring that cases are presented effectively in court.

Legal Framework and Independence

1. Independence Mechanisms:

- *Appointment Process*: The selection of the CBI Director by a committee including the Prime Minister, Leader of Opposition, and the Chief Justice of India or a Supreme Court judge ensures that the appointment is not politically influenced.
- *Tenure Security*: The fixed tenure of two years for the Director reduces the risk of arbitrary removal, allowing the Director to operate without undue pressure.
- *Judicial Oversight*: The Supreme Court has laid down guidelines to prevent political interference in the CBI's functioning, particularly through landmark judgments such as the Vineet Narain case, which established the Central Vigilance Commission (CVC) to oversee the CBI's investigations.

2. Challenges to Independence:

- State Consent: The requirement for state consent under the DSPE Act can hinder the CBI's ability to investigate cases across states. Political dynamics often influence the grant or withdrawal of this consent.
- Administrative Control: Although the CBI is autonomous in its operations, it reports administratively to the Ministry of Personnel, which can sometimes exert indirect influence.

- *Resource Constraints:* Limited resources and manpower can impede the thoroughness and efficiency of investigations, especially given the complexity and volume of cases the CBI handles.

3. High-Profile Investigations

- Bofors Scandal: The CBI investigated allegations of kickbacks in the purchase of Bofors howitzers from Sweden, which implicated high-ranking officials and political figures.
- 2G Spectrum Case: The CBI's probe into irregularities in the allocation of 2G spectrum licenses exposed a major scam.
- Vyapam Scam: Involving fraud in entrance examinations and recruitment in Madhya Pradesh.

Enforcement Directorate (ED)

1. Organizational Structure:

The ED is headed by a Director who oversees a network of zonal and regional offices across India.

2. Divisions and Operations:

- *Headquarters:* Located in New Delhi.
- *Zonal Offices:* Spread across major cities.
- *Special Investigation Teams (SITs):* Formed for specific high-profile cases.

3. Investigation Process:

- *Information Gathering:* The ED collects intelligence from financial institutions, regulatory bodies, and law enforcement agencies.
- *Enforcement Action:* The ED can conduct searches, seizures, arrest and attach properties.
- *Adjudication and Prosecution:* Under FEMA, the ED conducts adjudication; under PMLA, it files complaints in special courts.

Legal Framework

FEMA, 1999: Regulates the foreign exchange market.

PMLA, 2002: Targets money laundering, enabling confiscation of illegal properties.

Major Cases:

- Nirav Modi Scam
- Satyam Scam
- Jal Jeevan Mission Scam

Past Cases of Misuse of Government Machinery

- Indira Gandhi Dismissal and Emergency (1975–1977): Suspension of civil liberties, censorship, arrests of opposition.
- Jain Hawala Case (1990s): Allegations of illicit payments and selective investigation.
- Sohrabuddin Sheikh Encounter Case: Alleged fake encounter, political interference.
- 2G Spectrum Case: Political motivations alleged.
- Coal Allocation Scam: Accusations of interference; Supreme Court intervention.

Implications of Misuse:

1. Erosion of Public Trust.
2. Compromised Rule of Law.
3. Institutional Damage.

Case Studies

1. Delhi Excise Policy Case – Arvind Kejriwal

Arvind Kejriwal, the Chief Minister of Delhi and a prominent leader of the Aam Aadmi Party (AAP), was arrested by the Enforcement Directorate (ED) in March 2024 in connection with the Delhi Excise Policy case. The ED alleged that the Delhi government's 2021-22 excise policy facilitated cartelization and favored certain liquor traders, leading to kickbacks and money laundering. Kejriwal's arrest just before the 2024 Lok Sabha elections sparked widespread debate about the timing and motivations behind the action. His supporters claimed it was an attempt to stifle opposition voices. The Supreme Court later granted him interim bail in May 2024 to campaign during elections, but he surrendered again in June after the elections. The case remains ongoing, with larger questions being raised about the impartiality of investigative agencies.

2. Hemant Soren – Former CM of Jharkhand

Hemant Soren, the former Chief Minister of Jharkhand and leader of the Jharkhand Mukti Morcha (JMM), was arrested by the ED in January 2024 over an alleged land scam involving fraudulent acquisition and sale of properties. Soren accused the Bhartiya Janata Party (BJP) of misusing the ED to target him politically. His arrest triggered protests in Jharkhand, with allegations that investigative agencies were being used to destabilize opposition-led state governments. In June 2024, the Jharkhand High Court granted him bail, observing inconsistencies in the ED's evidence. He was sworn in again as CM in July 2024, highlighting the contentious role of central agencies in state politics.

3. Sanjay Raut – Shiv Sena MP

Sanjay Raut, a senior Shiv Sena (Uddhav Balasaheb Thackeray faction) MP, was arrested by the ED in August 2022 on allegations of money laundering linked to the Patra Chawl redevelopment project in Mumbai. Raut spent over 100 days in custody before being granted bail. The court, while granting bail, criticized the ED for “pick and choose” actions and questioned the credibility of the investigation. The case was widely cited as an example of political vendetta, as Raut was a vocal critic of the central government and the BJP. His arrest and prolonged detention were seen as attempts to silence dissent.

4. Sheikh Shahjahan – TMC Leader from West Bengal

Sheikh Shahjahan, a local strongman of the Trinamool Congress (TMC) in West Bengal, was accused of leading an attack on ED officials in January 2024 during raids linked to an alleged ration scam in Sandeshkhali. After being absconding for nearly two months, he was arrested in March 2024. His case involved both the ED and CBI, reflecting the increasing use of central agencies in politically sensitive states like West Bengal. The incident also raised questions about law and order, the safety of central agency officers, and the politicization of criminal investigations.

Relevant Acts to the Agenda

1. Delhi Special Police Establishment Act, 1946

- This Act established the foundation of the CBI, granting it the power to investigate corruption in central government institutions. However, its jurisdiction is limited, requiring state government consent for investigations within their territories.

2. Prevention of Money Laundering Act (PMLA), 2002

- This law defines the offence of money laundering and empowers the ED to attach, seize, and confiscate property obtained through criminal activity. It also provides the ED with authority to arrest and prosecute offenders, subject to judicial oversight.

3. Foreign Exchange Management Act (FEMA), 1999

- FEMA regulates foreign exchange transactions in India and empowers the ED to act against violations. It focuses more on civil penalties rather than criminal prosecution, distinguishing it from the PMLA.

4. Central Vigilance Commission Act, 2003

- This Act established the Central Vigilance Commission (CVC) as an independent body to oversee corruption investigations. The CVC supervises the CBI in corruption cases, adding a layer of accountability to its functioning.

A Note on Political Freedom

"Whatever the immediate gains and losses, the dangers to our safety arising from political suppression are always greater than the dangers to the safety resulting from political freedom. Suppression is always foolish. Freedom is always wise." – Alexander Meiklejohn

Political freedom is the cornerstone of democracy, ensuring citizens have the ability to make choices, express dissent, and hold leaders accountable. Misuse of government machinery to target opposition parties or individuals undermines these freedoms.

If investigative agencies become tools of political vendetta, the very essence of democracy is threatened. Citizens lose faith not only in the government but also in the impartiality of institutions meant to uphold justice. Safeguarding political freedom is thus essential to protecting democracy itself.

India has faced challenges to its democracy before—such as the Emergency of 1975—but it has always bounced back due to the resilience of its institutions and citizens. Yet, constant vigilance is required to prevent the erosion of democratic freedoms through systemic misuse of power.

Questions a Resolution Must Answer (QARMA)

Questions and areas for resolution (Joint Press Release):

- How can misuse of government machinery be efficiently prevented?
- Should judicial reforms be introduced to better handle such cases?
- How can investigative agencies be insulated from political bias and pressure?
- Has there been misuse of the ED/CBI in the last decade? If so, how can it be prevented in the future?
- Have investigative agencies been used as tools for political persecution?\
- Are structural reforms in the ED and CBI necessary to safeguard democracy?
- Are the ED and CBI truly independent, or do they require further institutional safeguards?
- Should their powers be limited or diluted to reduce the scope for misuse?

Suggested Resources for Research

- PRS Legislative Research – Briefs on ED and CBI.
- The Hindu, Indian Express, The Print – News coverage.
- Observer Research Foundation (ORF) – Policy analysis.
- Supreme Court judgments – Vineet Narain (1997), PMLA cases (2022–23).