

# TIMELY CAUTION: THE HINDU EDITORIAL ON THE SUPREME COURT'S EXHORTATION TO THE ENFORCEMENT DIRECTORATE

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The Supreme Court's exhortation to the Enforcement Directorate (ED) [not to create an atmosphere of fear](#) indicates how much the agency needs to temper its zeal in investigating allegations against political opponents of the current regime. Responding to complaints that the ED is harassing employees of the Excise Department in Chhattisgarh in the name of investigating the money-laundering aspects of an alleged liquor scandal, a Bench has made the pertinent point that even a bona fide cause would seem suspect if a law enforcement agency conducted itself in a way that created fear. The observation is both a caution against transgressing the limits of a lawful investigation and a warning against letting a perception gain ground that the agency would go to any lengths to implicate someone. Given that several leaders and Ministers from States ruled by parties other than the BJP have been summoned by the ED, or arrested and imprisoned, not many will be surprised at the charges levelled on behalf of the Chhattisgarh government that the agency is running amok and that its officers were threatening State officers, in an alleged bid to implicate the State's Chief Minister, Bhupesh Baghel. These charges may or may not be accurate, but the core problem is that the number of political adversaries under the agency's adverse notice is unusually high.

A major complaint from the Opposition concerns the alleged politicisation of investigations and the personnel heading the agency. Some parties fear that the money-laundering law is being used for a political witch-hunt. The list of offences that may attract a money-laundering probe, over and above the police investigation into them, is quite long. Corruption allegations being quite common against politicians holding public office, each time a scam or a scandal is uncovered, the ED follows closely on the heels of the agency conducting the anti-corruption probe, to register a separate case under the Prevention of Money Laundering Act. While there is no problem with a stringent law on the subject, its executors have to be cautious about excessive zeal and expansive probes without identifying specific payoffs or following a money trail. The current Director of Enforcement was appointed for a two-year term in 2018, but continues to this day, thanks to extensions and a change in the law governing such extensions. The government has now assured the Supreme Court that he will not continue beyond November 23. The government often says the agency is only doing its duty and holding lawful investigations, but the perception of others is unlikely to be positive in the backdrop of the way it controls the agency's leadership.

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