

Issues with Central Bureau of Investigation (CBI)

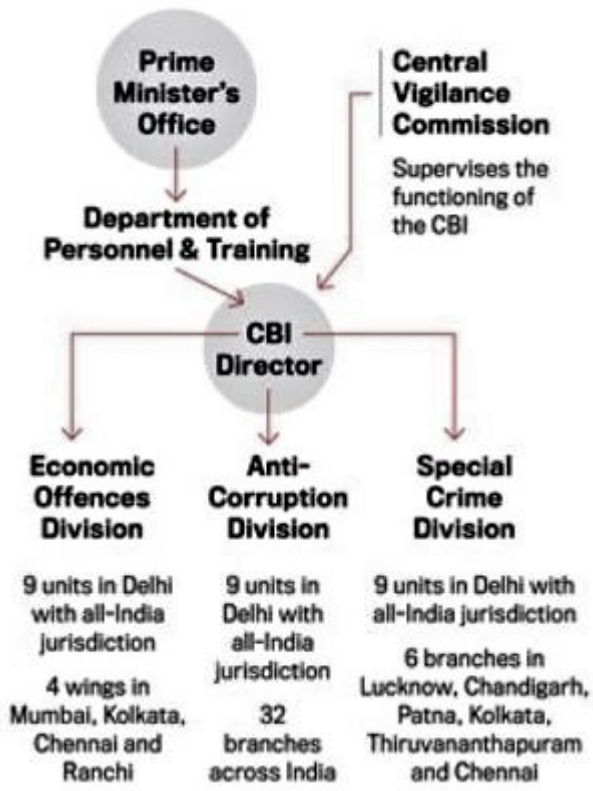
Why in news?

Recently, on the occasion of diamond jubilee celebrations of the CBI, the Prime Minister said the country's premier investigative agency should not spare any corrupt person.

What is Central Bureau of Investigation (CBI)?

- **Establishment** - Was set up in 1963 by a resolution of the Ministry of Home Affairs but now it works under **Ministry of Personnel, Pension and Public Grievances**.
- CBI is *not a statutory body*.
- **Santhanam Committee** - CBI was recommended by the Santhanam Committee on Prevention of Corruption.
- **Motto** - Industry, Impartiality and Integrity.
- **Powers** - It derives its power to investigate from the *Delhi Special Police Establishment Act, 1946*.
- **Composition** - CBI is headed by a **Director** and assisted by a special director or an additional director.
- It has a number of joint directors, deputy inspector generals, superintendents of police and all other usual ranks of police personnel.
- **Search committee** - CBI Director is appointed by search committee headed by the **Prime Minister** and comprising **Leader of Opposition** and the **Chief Justice of India (CJI)** or his representative.
- **Investigation** - CBI can conduct investigation in a state *only with the consent of the concerned state government*.
- There are 2 kinds of consent of States - Case-specific consent and General consent.
- However, the Supreme Court and High Courts can order CBI to investigate such a crime anywhere in the country without the consent of the State.
- **Functions** - CBI is the main investigating agency of the Central Government.
- Plays an important role in the prevention of corruption and maintaining integrity in administration.
- Investigates crime of corruption, economic offences and serious and organized crime other than terrorism.
- Provides assistance to the Central Vigilance Commission and Lokpal.
- Nodal police agency in India, which coordinates investigation on behalf of Interpol Member countries
- **CBI academy** - Located at Ghaziabad, Uttar Pradesh.

THE CBI'S STRUCTURE



What are the issues with CBI?

- Being used as instruments of blackmail and intimidation by successive governments - Supreme Court in 2013 referred CBI as a "*caged parrot*"
- CBI's conviction of cases rate has come down while its pendency in courts has risen
- Lack of infrastructure, manpower and modern equipment
- Lack of support from state government - 9 states have withdrawn general consent to the CBI
- Lack of social legitimacy and public trust
- Lack of credibility due to corruption scandals by top functionaries
- Lack of independence
- Lack of freedom to probe anyone on its own
- The advent of Lokpal diluted the powers of CBI
- No power to investigate at joint secretary level and above without permission from the government
- [Tussle within CBI](#) over appointments and removal of officers
- The posts in CBI are being lured for post-retirement jobs
- Structural constraints - To prosecute any MLA or state minister, the CBI needs sanction from the Speaker of the state Assembly or the Governor respectively.
- In the case of an MP, sanction is sought from the Speaker of Lok Sabha or Vice Chairman of Rajya Sabha.

What is the need of the hour?

- There is a need for an independent umbrella institution to bring various investigating agencies under one roof.

- The nexus between CBI and political executive should be broken.

Quick facts

Central Vigilance Commission (CVC)

- The CVC was established in 1964 by an ***executive resolution*** of the Central government.
- It was established based on the recommendation of the ***Santhanam Committee***.
- The Central Vigilance Commission (CVC) is the main agency for preventing corruption in the Central government.
- CVC is *not an investigating agency*.
- It either gets the investigation done through the CBI or the chief vigilance officers (CVO) in government offices.
- The CVC shall have all the powers of a civil court while conducting any inquiry

Lokpal

- Lokpal is an *anticorruption authority* that would deal with the complaints against the public officials in central government including the Prime Minister.
- The term Lokpal was coined by ***L M Singvi*** in 1963.
- The Administrative reforms commission (1966-70) headed by Morarji Desai recommended the institution of Lokpal.
- ***Lokpal and Lokayuktas Act 2013*** was passed in 2013.

References

1. [The Financial Express | Issues Of CBI](#)
2. [CBI | About CBI](#)
3. [The Indian Express | CBI](#)