

## Issues with Central Bureau of Investigation (CBI)

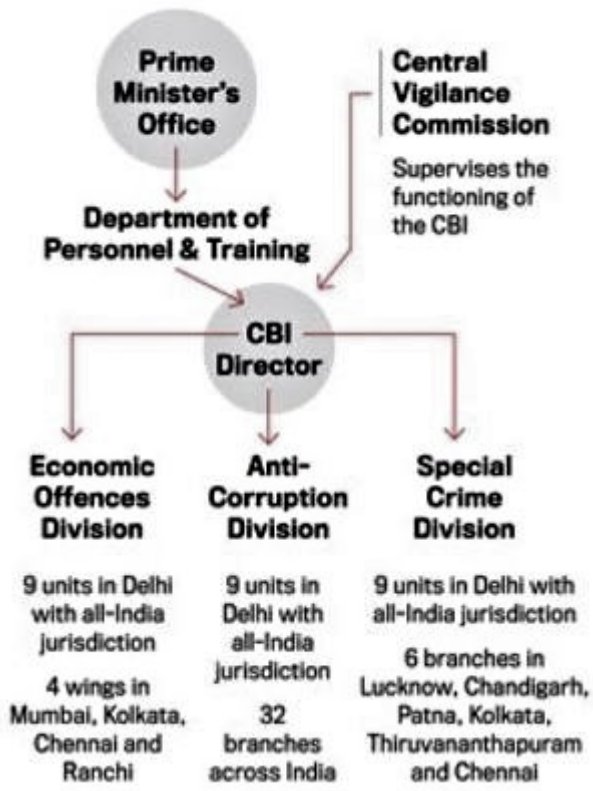
### Why in news?

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](#)