

# Central Bureau of Investigation

## ( CBI )

[UPSC Notes]

### CBI Stand for

CBI stands for Central Bureau of Investigation. It is the premier investigating police agency in India, which works under the Ministry of Personnel, Pension & Public Grievances, Government of India. The Ministry comes under the direct purview of the Prime Minister's Office.

### Central Bureau of Investigation: History

During World War II, a Special Police Establishment (SPE) was formed in the Department of War of British India, in 1941. The SPE was to enquire into allegations of bribery and corruption in the war-related procurements. Later, the SPE was formalized as an agency of the Government of India to investigate allegations of corruption in various wings of the Government of India by enacting the Delhi Special Police Establishment (DSPE) Act, 1946.

In 1963, the SPE was renamed by the Government of India to CBI with a view to investigating serious crimes. The Santhanam Committee on Corruption Prevention recommended the formation of the CBI. The CBI was then established by a Home Affairs Ministry resolution. CBI now works under the Ministry of Personnel, Pension & Public Grievances, Government of India, and coordinates the investigation on behalf of the Interpol Member countries. For investigation of offences under the Prevention of Corruption Act, CBI vests superintendence to the Central Vigilance Commission.

### What is CBI?

CBI is the premier investigating police agency in India. It is an elite force playing a major role in the preservation of values in public life and in ensuring the health of the national economy. The conversion rate of CBI is 65 to 70%, and that's why it can be tagged as one of the best investigation agencies in the world. It is not a statutory body.

The CBI derives power to investigate from the Delhi Special Police Establishment (DSPE) Act, 1946 and is headquartered in New Delhi, India. The CBI is involved in major criminal probes and is the Interpol agency in India.

Central Bureau of Investigation has emerged as a premier investigating agency of the country which enjoys the trust of the people, Parliament, Judiciary and the Government. In the last 75 years, the organisation has evolved from an anti-corruption agency to a multi-faceted, multi-disciplinary central police law enforcement agency with the capability, credibility and legal mandate to investigate and prosecute offences anywhere in India.

## Motto and Vision of CBI

The Motto of CBI is - Industry, Impartiality, Integrity.

CBI works with the vision to preserve the Indian Constitution and the law of the land by conducting thorough investigations and successfully prosecuting criminal cases; offering leadership and guidance to police forces, and operating as the nodal agency for improving inter-state and international law enforcement cooperation.

## Divisions under CBI

The Central Bureau of Investigation has the following divisions:

- Anti Corruption Division (Delhi Special Police Establishment)
- Economic Offences Division
- Special Crimes Division
- Directorate of Prosecution
- Administration Division
- Policy & Coordination Division
- Central Forensic Science Laboratory

The Investigation & Anti-Corruption Division (Delhi Special Police Establishment) was entrusted with the following mandate in the resolution although it continued to derive its jurisdiction and powers from DSPE Act, 1946.

- Cases in which public servants under the control of the Central Government are involved either by themselves or along with State Government servants and/or other persons.
- Cases in which the interests of the Central Government, or of any public sector project or undertaking, or any statutory corporation or body set up and financed by the Government of India are involved.
- Cases relating to breaches of Central Laws with the enforcement of which the Government of India is particularly concerned, e.g.
  - Breaches of Import and Export Control Orders
  - Serious breaches of Foreign Exchange Regulation Act,
  - Passport frauds
  - Cases under the Official Secrets Act pertaining to the affairs of the Central Government.
  - Cases of certain specified categories under the Defence of India Act or Rules with which the Central Government is particularly concerned
- Serious cases of cheating or fraud relating to the Railways, or Posts & Telegraphs Department, particularly those involving professional criminals operating in several States.
  - Crime on the High Seas
  - Crime on the Airlines
- Important and serious cases in Union Territories particularly those by professional criminals.
- Serious cases of fraud, cheating and embezzlement relating to Public Joint Stock Companies.
- Other cases of a serious nature, when committed by organised gangs or professional criminals, or cases having ramifications in several States including Union Territories, serious cases of spurious drugs, important cases of kidnapping of children by professional inter-State gangs, etc. These cases will be taken up only at the request of

or with the concurrence of the State Governments/Union Territories Administrations concerned.

- Collection of intelligence about corruption in the public services and the projects and undertakings in the public sector.
- Prosecution of cases investigated by this Division.
- Presentation of cases before Enquiry Offices in which departmental proceedings are instituted on the recommendation of this Division.

## Cases Handled by CBI

The cases that can be handled by the CBI are mentioned below.

- **Anti-Corruption Crimes-** CBI can investigate the cases under the Presentation of Corruption Act against Public officials and central government employees, corporations owned or controlled by the Indian government and public sector undertakings.
- **Special Crimes-** CBI also investigates serious crimes under the Indian Penal Code and other laws on the requests of State governments or orders of high courts or supreme courts.
- **Economic Crimes-** Central Bureau of Investigation investigates major economic frauds, and financial scams including fake Indian currency, cyber crime, bank frauds, imports, and export. Smuggling of narcotics, smuggling of other contraband goods.
- **Suo Moto Cases-** Central government can give assign CBI to investigate a crime in a state but only with the permission of that state government. However, the supreme court has the power to order the CBI to investigate a crime anywhere without the consent of the state.

## Vision of CBI

CBI aims to develop transparency, professionalism, and adaptability to change and the use of technology and science in its work.

- It curbs corruption in public life, violent crimes, and economic and violent crimes through investigation and prosecution.
- Help fight cyber and high technology crime.
- Evolve effective systems and procedures for successful investigation and prosecution of cases.
- Play a lead role in the war against national and transnational organized crime, and uphold Human Rights, protect the environment, arts, antiques and heritage of our civilization.
- Strive for excellence and professionalism in all spheres of functioning so that the organization rises to high levels of endeavour and achievement.

## Organization Structure of CBI

The CBI is headed by a director, an IPS officer with a rank of Director General of Police or Commissioner of Police (State). The director is selected based on the CVC Act 2003, and has a two-year term. The CBI is subject to five ministries of the Government of India:

- Ministry of Home Affairs: For Cadre clearance
- DoPT: For Administration, budget and induction of non IPS officers

- Union Public Service Commission : For selection of Officers above the rank of Deputy SP
- Law and Justice Ministry: For Public prosecutors
- Central Vigilance Commission: For Anti-corruption cases

According to the CVC Act 2003, the selection committee recommends a panel of officers for director of the CBI. It consists of:

- Chief Vigilance Commissioner – chairperson
- Vigilance Commissioners – members
- Secretary, Home Ministry – member
- Secretary (Coordination and Public Grievances) in the Cabinet Secretariat – member

When making recommendations, the committee considers the views of the outgoing director. Final selection are made by the Appointments Committee of the Cabinet from the panel recommended by the selection committee.

## List of CBI Directors of India

Below we have mentioned the CBI Directors of India throughout the years.

<b>CBI Directors</b>	<b>Tenure</b>
R. K. Raghavan	4 January 1999 – 1 April 2001
P. C. Sharma	1 April 2001 – 6 December 2003
U. S. Misra	6 December 2003 – 6 December 2005
Vijay Shanker Tiwari	12 December 2005 – 31 July 2008
Ashwani Kumar	2 August 2008 – 30 November 2010
A. P. Singh	30 November 2010 – 30 November 2012
Ranjit Sinha	3 December 2012 – 2 December 2014
Anil Sinha	3 December 2014 – 2 December 2016

Rakesh Asthana (Special Director)	3 December 2016 – 31 January 2017
Raaz P	1 February 2017 – 10 January 2019
M. Nageshwar Rao (interim)	24 October 2018 – 1 February 2019
Rishi Kumar Shukla	2 February 2019 – Present (in-charge)

## Functions of CBI

The CBI serves as India's point of contact with INTERPOL. CBI investigates cases involving violations of economic and fiscal laws, such as customs and central excise, export and import control, income tax, foreign exchange regulations, and so on. However, cases of this nature are investigated by the CBI either at the request of the department concerned or in consultation with the department concerned. Other functions include:

- Coordination of the activities of various state police forces and anti-corruption organisations.
- Investigate any case of public importance at the request of a state government.
- Investigate serious crimes with national and international ramifications that are committed by professional criminals or organized gangs.
- Keeping crime statistics and spreading criminal information.
- CBI will no more require government's prior sanction to launch investigations against officers of joint secretary rank and above in corruption cases.

## Powers of CBI

The legal powers of investigation of the CBI are derived from the DSPE Act 1946, which confers powers, duties, privileges and liabilities on the Delhi Special Police Establishment (CBI) and officers of the Union Territories. The central government may extend to any area (except Union Territories) the powers and jurisdiction of the CBI for investigation, subject to the consent of the government of the concerned state. The CBI can investigate only with notification by the central government.

The High Courts and the Supreme Court have the jurisdiction to order a CBI investigation into an offense alleged to have been committed in a state without the state's consent.

## Sources of Powers of CBI

The CBI is the Government of India's primary investigative agency. It is not a statutory body; its powers are granted by the Delhi Special Police Establishment Act of 1946.

- Its critical role is to prevent corruption and maintain administrative integrity.

- In matters pertaining to the Prevention of Corruption Act, 1988, it works under the supervision of the CVC (Central Vigilance Commission).
- However, under Section 5(1) of the Act, the Central Government can extend its jurisdiction to other areas, including railway areas and states, if the State Government consents under Section 6 of the Act.
- Because many of its investigators come from the Indian Police Service, the agency relies on the home ministry for staffing.
- The CBI also relies on the Ministry of Law for lawyers and lacks some functional autonomy.

## Challenges associated with CBI

Here are concerns associated with CBI:

- **Police Agency:** Since the police is a State subject under the Constitution, and the CBI follows the procedures outlined in the Code of Criminal Procedure (CrPC), it is classified as a police agency.
- **Manipulation by Government:** The CBI is also vulnerable to the government's ability to manipulate senior officers because they rely on the Central government for future postings.
- **Consent of State:** The CBI needs the permission of the State administration in issue before it can make its presence in that State. As a result, certain situations may go uninvestigated, resulting in a quiet standoff.
- **CBI and RTI:** CBI is listed under the Right to Information Act's Second Schedule, Section 24. Section 24 specifies that the statute "does not apply to certain organizations." However, the CBI made the point that they are investigating all types of cases, including ones of strategic importance to India, and that if they were submitted to RTI, much of that material would be released into the public realm.
- **Corruption and Politically biased:** The politicization of the Central Bureau of Investigation (CBI) has been ongoing for several years. This was emphasized in Supreme Court criticism for being a caged parrot speaking in the voice of its master.
- **CBI Autonomy:** The Supreme Court questioned the issue of the bureau's independence in the infamous Coalgate corruption case, saying that "the CBI has become the state's parrot." Only screams, echoing the master's voice" The Supreme Court then directed the Centre to make the CBI impartial and to guarantee that it operates free of any extraneous pressures.