



Appointment of CBI Director

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Why in News

A writ petition has been filed in the **Supreme Court** seeking the appointment of a **regular Central Bureau of Investigation (CBI) Director**.

The Director of the CBI is appointed as per section 4A of the **Delhi Special Police Establishment Act of 1946**.

Key Points

- **Director of CBI:**

- The CBI is headed by a Director.
- The Director of CBI as Inspector General of Police, Delhi Special Police Establishment, is responsible for the administration of the organisation.
With the enactment of **CVC Act, 2003**, the superintendence of Delhi Special Police Establishment vests with the Central Government to **save investigations of offences under the Prevention of Corruption Act, 1988**, in which, the superintendence vests with the **Central Vigilance Commission**.
- The Director of CBI has been provided **security of two-year tenure** in office by the CVC Act, 2003.

- **Appointment:**
 - The **Lokpal and Lokayuktas Act (2013)** amended the **Delhi Special Police Establishment Act (1946)** and made the following changes with respect to appointment of the Director of CBI:

The Central Government shall appoint the Director of CBI on the recommendation of a **three-member committee** consisting of the **Prime Minister as Chairperson**, the **Leader of Opposition in the Lok Sabha** and the **Chief Justice of India or Judge of the Supreme Court nominated by him**.
 - Later, the **Delhi Special Police Establishment (Amendment) Act, 2014** made a change in the composition of the committee related to the appointment of the Director of C.B.I.

It states that where there is **no recognized leader of opposition** in the Lok Sabha, then the **leader of the single largest opposition party** in the Lok Sabha would be a member of that committee.

Central Bureau of Investigation (CBI)

- The CBI was set up in 1963 by a resolution of the **Ministry of Home Affairs**.
Now, the CBI comes under the administrative control of the Department of Personnel and Training (DoPT) of the **Ministry of Personnel, Public Grievances and Pensions**.
- The establishment of the CBI was recommended by the **Santhanam Committee on Prevention of Corruption (1962–1964)**.
- The CBI is **not a statutory body**. It derives its powers from the **Delhi Special Police Establishment Act, 1946**.
- The CBI is the **main investigating agency of the Central Government**.
- It also provides **assistance** to the Central Vigilance Commission and Lokpal.
- It is also the **nodal police agency** in India which coordinates investigation on **behalf of Interpol Member countries**.

Way Forward

- Instead of a regular appointment, the government has recently appointed an interim/acting CBI Director. The interim appointment through an executive order was not envisaged in the statutory scheme of the 1946 Act.
- The premier investigative agency should function independently outside the influence of the Executive or political powers. The Supreme Court in the past has made a significant effort to enhance the functional autonomy of the CBI and limit the extent of executive discretion in the matter of appointment of this key functionary. It must make sure that there is a mechanism to ensure that the process of selection of CBI Director is completed one or two months in advance of the retirement of the incumbent.

Source: TH