



Central Bureau of Investigation

For Prelims: Delhi Special Police Establishment (DSPE) Act, Santhanam Committee on Prevention of Corruption, Prevention of Corruption Act

For Mains: Issues Related to CBI and Recommendations

Why in News?

The [Parliamentary Committee on Personnel, Public Grievances, Law and Justice](#), in view of **withdrawal of general consent for CBI probe** by many states, has said that the **existing law governing the CBI has "many limitations"** and needs to be **replaced with a new legislation to define its status, functions, and powers.**

What is the Central Bureau of Investigation (CBI)?

▪ About:

- The **CBI** was established in 1963 and is governed by the [Delhi Special Police Establishment \(DSPE\) Act](#).
 - It was established on the recommendations of [Santhanam Committee on Prevention of Corruption \(1962-1964\)](#).
- Currently, **CBI functions under the Department of Personnel, Ministry of Personnel, Pension & Public Grievances** of the Government of India.

▪ Functions:

- Investigating cases of **corruption, bribery and misconduct of Central government employees** under the **Prevention of Corruption Act** against Indian public officials, public sector undertakings, corporations, and bodies that are owned or controlled by the Indian government.
- Investigating cases relating to **infringement of fiscal and economic laws**, that is, **breach of laws concerning export and import control**, customs and central excise, income tax foreign exchange regulations.
 - Example: [Fake Indian Currency Notes](#), **Bank Frauds**, [Import Export & Foreign Exchange violations etc.](#)

▪ Issues:

- **CBI v/s State Police:**
 - CBI investigation in a particular state is subjected to **approval by the State Government**.
 - The ruling party in a state, sometimes genuinely and many times on **flimsy grounds, has denied permission to the CBI to investigate matters**, thereby limiting the extent of investigations.
- **Overlapping/Duplication:**
 - Along with state police forces, the **Special Police Establishment (a division of CBI)** enjoys the **concurrent powers of investigation** and prosecution for offences that sometimes lead to **duplication and overlapping of cases**.
- **Political Interference:**

- The [Supreme Court of India](#) has criticised the CBI for excessive political interference in its functioning, calling it a "**caged parrot speaking in its master's voice**".

What are the Findings and Recommendations of the Parliamentary Committee?

- **Findings:**
 - **Withdrawal of General Consent:**
 - **9 states have [withdrawn the general consent](#)** required for any investigation by the CBI, making the existing law governing the CBI ineffective.
 - **Vacancies:**
 - **Vacancies in the CBI are not being filled up** at the required pace, hampering the quality of investigation and ultimately impacting the effectiveness and efficiency of the agency.
 - A total of 1,709 posts are vacant in the CBI against its sanctioned strength of 7,295.
 - These vacancies in the cadres of executive ranks, law officers and technical officers will unquestionably **increase the pendency of cases, hamper the quality of investigation** and ultimately **impact the effectiveness and efficiency of the agency.**
- **Recommendations:**
 - **Redefining the Status of CBI:**
 - The Committee recommends enacting a **new law to define the status, functions, and powers of the CBI** and to lay down safeguards to ensure objectivity and impartiality in its functioning.
 - **Filling Up Vacancies on Quarterly Basis:**
 - The Committee recommends the Director of CBI to monitor the progress made in filling up vacancies on a quarterly basis and take necessary measures to ensure that the organisation is sufficiently staffed.
 - **Reduce Dependence on Deputation:**
 - CBI should **reduce its dependence on deputationists** and strive to recruit permanent staff in the ranks of inspector of police and deputy superintendent of police.
 - **Case Management System:** CBI should maintain a **case management system which would be a centralised database** containing details of cases registered with it and the progress made at their disposal.
 - CBI should also **publish case statistics** and annual reports on its website to ensure transparency and accountability.
 - Details of cases registered with the CBI, the progress made in their investigation, and the final outcome should be made available in the **public domain.**

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. The jurisdiction of the Central Bureau of Investigation (CBI) regarding lodging an FIR and conducting a probe within a particular state is being questioned by various States. However, the power of the States to withhold consent to the CBI is not absolute. Explain with special reference to the federal character of India. **(2021)**

Source: [TH](#)

