



# drishti

## In Depth: Central Bureau of Investigation(CBI)

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Being India's premier investigating agency, the Central Bureau of Investigation (CBI), handles all high-profile cases. **Its job is to ensure a fair and an impartial probe.** But in recent days, the agency has been in the news for all the inappropriate reasons. Two top officials of the agency - **Director Alok Verma and Special Director Rakesh Asthana were involved in a major squabble** that led to **government intervention.** Both officers have been had been sent on leave, with the government claiming that the decision was taken to restore the institutional integrity and credibility of CBI.

### The Internal Feud

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- Spat between top officials of CBI is first of its kind in the history of CBI.

- **Alok Verma objected to Rakesh Asthana's elevation as special Director** of CBI before Central Vigilance Commission(CVC).
- But, **CVC cleared Asthana's promotion** in a unanimous decision.
- **Public Interest Litigation** filed by **NGO Common Cause** against the decision was also **turned down by the Supreme Court**.
- **Rakesh Asthana**, in charge of special investigation team handling sensitive cases including those related to Vijay Mallya, AgustaWestland etc., **also filed a complaint against Alok Verma - alleging corruption**.
- CVC sought files of cases mentioned in the tussle between these two people.

## Genesis of CBI

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- Origins of CBI can be traced back to the **Special Police Establishment (SPE) set up in 1941** in order to investigate cases of bribery and corruption in War & Supply Department of India during World War II.
- The need for a Central Government agency to investigate cases of bribery and corruption was felt after the end of World War II. So, **DSPE (Delhi Special Police Establishment) Act, 1946** was brought that gave the legal power of investigating cases to CBI.
- CBI comes under the jurisdiction of the **Ministry of Personnel, Public Grievances and Pensions**.

## The appointment procedure of CBI Director

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- The CBI is headed by an IPS officer of the rank of Director General of Police.
- Till 2014, the appointments were made on the basis of Delhi Special Police Establishment (DSPE) Act, 1946.
- In 2003, DSPE Act was revised on Supreme Court's recommendation. A committee that had members from Central Vigilance Commission, Secretaries from Home Ministry, Ministry of Personnel and Public Grievances would send recommendations to Central Government for the appointment of CBI Director.
- In 2014, the Lokpal Act provided a committee for appointment of CBI Director was formed:
  - **Headed by Prime Minister**
  - **Other members - Leader of Opposition/ Leader of the single largest opposition party, Chief Justice of India/ a Supreme Court Judge.**
- Home Ministry sends a list of eligible candidates to DoPT. Then, the DoPT prepares the final list on basis of seniority, integrity, and experience in the investigation of anti-corruption cases, and sends it to the committee.

## Functions of CBI

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- Investigating cases against the central govt. employees or concerning affairs of central govt.
- Investigation of cases in which the financial interest of the central govt. are involved.
- And, cases related to breaches in central laws. Big cases of frauds cheating and embezzlement.
- Cases committed by gangs and criminals which have ramifications in several states.
- Cases having inter-state and international ramifications.
- Initially, CBI was tasked with the responsibility of investigation with respect to central govt. employees. However, since 1965 the powers of the investigating unit was expanded. So, it takes up investigation of Economic offenses, conventional cases on a selective basis.
- It also obliges the state if they put in a request to investigate a certain case. Central Government authorizes CBI to investigate cases in any state.
- It takes up cases as directed by the Supreme Court and the High Courts. Supreme court, High Court can ask CBI to investigate without state's consent.

## **CID**

- Established in **1902 by the British Government**, CID (Crime Investigation Department) is an investigation and intelligence department of state police. On the other hand, CBI is an agency of the Central Government.
- CID is looking into murder, assault, riot or any cases as directed by **respective High Courts.**