



# PARLIAMENT OF INDIA RAJYA SABHA

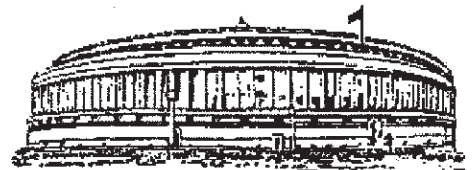
24

**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,  
LAW AND JUSTICE**

**TWENTY FOURTH REPORT  
ON  
WORKING OF CENTRAL BUREAU  
OF INVESTIGATION (CBI)**

**(PRESENTED TO THE RAJYA SABHA ON 11<sup>TH</sup> MARCH, 2008)  
(LAID ON THE TABLE OF THE LOK SABHA ON 11<sup>TH</sup> MARCH, 2008)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI  
MARCH, 2008/PHALGUNA, 1929 (SAKA)**



*Website:<http://rajyasabha.nic.in>  
E-mail:[rsc-pers@sansad.nic.in](mailto:rsc-pers@sansad.nic.in)*

PARLIAMENT OF INDIA  
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,  
LAW AND JUSTICE

TWENTY FOURTH REPORT  
ON  
WORKING OF CENTRAL BUREAU  
OF INVESTIGATION (CBI)

(PRESENTED TO THE RAJYA SABHA ON 11<sup>TH</sup> MARCH, 2008)  
(LAID ON THE TABLE OF THE LOK SABHA ON 11<sup>TH</sup> MARCH, 2008)



RAJYA SABHA SECRETARIAT  
NEW DELHI

MARCH, 2008/PHALGUNA, 1929 (SAKA)



## CONTENTS

	PAGES
1. COMPOSITION OF THE COMMITTEE .....	(i)-(ii)
2. INTRODUCTION .....	(iii)
3. REPORT .....	1—26
4. RELEVANT MINUTES OF THE MEETINGS OF THE COMMITTEE .....	27—35



COMPOSITION OF THE COMMITTEE (2007-08)  
(Constituted on 5th August, 2007)

1. Dr. E.M. Sudarsana Natchiappan – *Chairman*

**RAJYA SABHA**

2. Dr. Radhakant Nayak
3. Dr. Abhishek Manu Singhvi
4. Shri Balavant *alias* Bal Apte
5. Shri Virendra Bhatia
6. Shri Tariq Anwar
7. Shri Ram Jethmalani
8. Dr. P. C. Alexander
9. Shri Tarlochan Singh
10. Vacant

**LOK SABHA**

11. Shri Raj Babbar
12. Dr. Shafiqur Rahman Barq
13. Shri N.S.V. Chitthan
14. Shri Chhattar Singh Darbar
15. Shri N.Y. Hanumanthappa
16. Shri S.K. Kharventhan
17. Shri A. Krishnaswamy
18. Dr. C. Krishnan
19. Shri Shailendra Kumar
20. Shri Harin Pathak
21. Shri Dahyabhai Vallabhbhai Patel
22. Shri Varkala Radhakrishnan
23. Prof. M. Ramadass
24. Shri Bhupendrasinh Solanki
25. Shri Vishvendra Singh
26. Shri Anirudh Prasad *alias* Sadhu Yadav
27. Vacant
28. Vacant
29. Vacant
30. Vacant
31. Vacant

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Ms. Niangkhanem Guite, Committee Officer



## INTRODUCTION

I, the Chairman of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorised by the Committee to submit this Report on its behalf, do hereby present its Twenty Fourth Report on the “Working of Central Bureau of Investigation (CBI)”. The Committee identified\* the subject ‘Working of CBI’ in September, 2004 for examination and report.

2. As part of consideration of the subject, the Committee undertook study visits to the CBI Academy at Ghaziabad in January, 2005 and thereafter at other parts of the country and held discussions with the Regional Officers of CBI at Mumbai, Goa, Bangalore and Orissa. The Committee also visited the CBI Headquarters at New Delhi on 2nd August, 2007 and held discussions with CBI top brass. The Secretary, Ministry of Personnel, Public Grievances and Pensions made a presentation on the subject before the Committee on 20th September, 2007. The Secretary, Ministry of Home Affairs also tendered oral evidence before the Committee on the subject on 4th October, 2007.

3. While considering the subject, the Committee took note of the following documents/information placed before it:—

- (i) Annual Report of the CBI (2005-06);
- (ii) Replies furnished by CBI, in response to the queries raised by the Committee;
- (iii) Reports of various Committees on CBI or related issues;
- (iv) Various judgments of the Supreme Court of India; and
- (v) Views/comments received from the Department of Legal Affairs, Ministry of Law and Justice and Department of Revenue of the Ministry of Finance on the subject.

4. The Committee adopted the Report in its meeting held on 4th March, 2008.

5. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;  
4th March, 2008

DR. E.M. SUDARSANA NATCHIAPPAN  
*Chairman,  
Department-related Parliamentary  
Standing Committee on Personnel,  
Public Grievances, Law and Justice*

---

\* Rajya Sabha Parliamentary Bulletin Part-II (No.41646) dated the 27th September, 2004.



## REPORT

### **EVOLUTION AND GROWTH OF CBI**

1.1. At an early stage of the World War-II, the Government of India realized that vast increase in expenditure for war efforts had provided opportunities to unscrupulous and anti-social persons, both officials and non-officials, for indulging in bribery and corruption at the cost of public and the Government. It was felt that Police and other Law Enforcement Agencies under the State Governments were not in a position to cope with the situation. An executive order was, therefore, passed by the Government of India in 1941, setting up the Special Police Establishment (SPE) under a Deputy Inspector General in the then Department of War with mandate to investigate cases of bribery and corruption in transactions with which War and Supply Department of the Government of India was concerned.

1.2. At the end of 1942, the activities of the SPE were extended to include cases of corruption on Railways also, presumably because the Railways were vitally concerned with movement and supply of war materials. In 1943, to remove doubts about the legal powers of police officers working with SPE, an Ordinance was promulgated by the Government of India, by which a Special Police Force was constituted for the investigation of certain offences committed in connection with the departments of the Central Government, with powers to investigate such offences anywhere in British India. Even after the end of the war, need for a Central Government Agency to investigate cases of bribery and corruption was felt and, therefore, the Ordinance promulgated in 1943, which had lapsed on 30th September, 1946 was replaced by Delhi Special Police Establishment Ordinance of 1946. This was subsequently replaced by Delhi Special Police Establishment Act, 1946. After the commencement of the Act, superintendence of SPE was transferred to the Home Department and its functions were enlarged to cover all Departments of the Government of India. The jurisdiction of SPE was extended to all the Union Territories and could be extended to the States with the consent of the State Governments. The Headquarters was shifted to Delhi and the organisation was put under the charge of Director, Intelligence Bureau. However, in 1948 a post of Inspector General of Police, SPE was created and the organisation was placed under his charge.

1.3. In 1953, an Enforcement Wing was added to the SPE to deal with offences under the Import and Export Control Act. With the passage of time, more and more cases under various laws other than Prevention of Corruption Act and violations of Import and Export Control Act also came to be entrusted to the SPE. In fact, by 1963 SPE was authorized to investigate offences under 91 different sections of Indian Penal Code and 16 other Central Acts besides offences under the Prevention of Corruption Act, 1947.

1.4. A growing need was felt for a Central Police Agency at the disposal of the Central Government which would investigate not only cases of bribery and corruption, but also violation of Central fiscal laws, major frauds relating to Government of India departments, public joint stock companies, passport frauds, crimes on the high seas, crimes on the Airlines and serious crimes committed by organised gangs and professional criminals. Therefore, the Government of India set up Central Bureau of Investigation (CBI) by a resolution dated 1st April, 1963.

1.5. Excluding three divisions, namely the Crime Records Division, Central Forensic Science Laboratory and Central Finger Print Bureau, Calcutta, which function under the Ministry of Home Affairs, the Ministry of Personnel is responsible for the overall supervision of the work, formulation of policy of the Government thereto and attending to the administrative matters relating to the CBI. Budgetary provision for the expenses of the CBI is made in the budget of the Ministry of Personnel. The Ministry also provides channel of communication in some matters

between CBI and the State Governments for launching prosecution in CBI cases in which the State Governments are the competent authority to give such consent, in the engagement of Special Counsels in CBI cases, in filing appeals and revision petitions against the judgments of Lower Courts of CBI cases and in getting the consent of the State Governments for extending the jurisdiction and powers of the SPE under the DSPE Act, 1946 to investigate specific offences under the various Central/State Acts.

1.6. By now, the CBI has evolved into a multi-faceted, multi-disciplinary investigative agency, its role expanding from the corruption cases to other cases *viz.* – cyber crimes, terrorist crimes, wildlife crimes, narcotics, arms trafficking, arts and antiquities cases, counterfeiting of currencies etc.

### **FUNCTIONING OF CBI**

2. At present CBI derives the power to investigate from the Delhi Special Police Establishment Act, 1946. As per section 2 of the Act, DSPE has jurisdiction to investigate offences in the Union Territories only. However, the jurisdiction can be extended by the Central Government to other areas including Railway areas and States under section 5(1) of the Act, provided the State Governments have accorded consent under section 6 of the Act. The superintendence of Delhi Special Police Establishment vests with the Central Government whereas for investigations of offences under the Prevention of Corruption Act, 1988 the superintendence vests with the Central Vigilance Commission (CVC).

3. Director, CBI who is an Inspector General of Police under the Delhi Special Police Establishment, is responsible for the administration of the organization. Director, CBI has been provided security of tenure in CBI by the CVC Act, 2003 and he can continue to hold office for a period not less than two years from the date on which he assumes office, notwithstanding anything contrary in the conditions of service. The CVC Act also provides mechanism for selection of Director, CBI and other officers of the rank of Superintendent of Police and above in CBI.

4. At present, CBI has the following Divisions:

- (1) Anti Corruption Division;
- (2) Economic Offences Division;
- (3) Special Crimes Division;
- (4) Directorate of Prosecution;
- (5) Administration Division;
- (6) Policy and Coordination Division; and
- (7) Central Forensic Science Laboratory.

5. Following the Supreme Court judgment of 18th December, 1997 in the *Vineet Narain case*, the Directorate of Prosecution was set up in CBI in September, 2001. This Directorate is responsible for conducting prosecution of CBI cases in courts and giving legal advice to CBI officers. One of the important jobs of the Directorate of Prosecution is preparation of panel of Counsels to conduct prosecution.

6. The CBI, through its Policy and Coordination Division, coordinates investigation for the members of INTERPOL. The CBI has also set up a Cyber Crime Investigation and Research Cell which, besides doing research in this field, caters to the long felt need of the investigating agencies also. It has also set up Criminal Intelligence Cell.

7. In 1994, the structure of CBI was organised into following Divisions: (i) Anti Corruption Division (ACD), (ii) Special Crime Division (SCD) and (iii) Economic Offences Division (EOD). They are Investigating Divisions.

8. Anti Corruption Division investigates cases of corruption and frauds committed by public servants of all the Central Government Departments, Central Public Sector Undertakings and Financial Institutions. The Special Crime Division investigates into cases of terrorism, bomb blast, sensational homicide, kidnapping, murder and crimes committed by the mafia/underworld. Economic Offences Division investigates economic crimes, including bank frauds, cheating, financial frauds, Import, Export and Foreign Exchange violations, large scale smuggling of narcotics, antiques and other contraband items.

### **DELIBERATIONS/RECOMMENDATIONS OF THE COMMITTEE**

9. The Committee takes note of the work done by CBI over the last six decades. The Committee observes that there have been big events or scams rocking the nation wherein CBI is said to have restored public faith in the system and has ensured that the supremacy of law reigns ultimately. But the Committee feels that whether CBI has been able to fulfil the expectations of the public and its legal mandate is debatable. The Committee also notes that there has been erosion in the confidence which the public reposed on CBI in certain matters. Having said that, it is also true that whenever a high profile crime is committed or when the State police fails to investigate a case properly, there is always a demand for an investigation by the CBI. The Committee feels that this may be due to the fact that the expectations of the public are very high from CBI which is the premier investigating agency in the country and that CBI has, due to various reasons, not been able to rise up to the expectations in certain cases. Some Members of the Committee felt that there is political interference in the functioning of CBI and stressed upon the need to ensure independent and autonomous functioning of CBI. The Committee also voiced concern about undue delay in the investigation of cases by CBI.

10. The Committee also notes that the Courts including the Supreme Court of India are consistently entrusting several cases to CBI which involve delicate issues that have serious inter-State and international ramifications. Some Members of the Committee were of the view that State Governments, on account of political considerations, refer cases to CBI which should have been investigated by the State police. **The Committee feels that these attribute to increase in the workload of the already overburdened CBI. The Committee notes that the expansion of CBI mandate has not been accompanied by commensurate expansion and augmentation of the infrastructure and resources within CBI. Therefore, the Committee strongly feels that strengthening the CBI in terms of resources and legal mandate is the remedy to this problem.**

11. The Committee takes note of demands raised from various quarters that an all India agency/agencies should be created for tackling corruption, transnational, terrorist and organized crimes. **The Committee is of the opinion that creation of more and more agencies would, apart from involving more resources which are already scarce, lead to overlapping of jurisdictions, conflict of interests, underutilization of human resources and lack of synergy, which would be detrimental to the cause of our criminal justice system. Furthermore, huge expenditure which will be incurred for creation of massive infrastructure and allied facilities all over the country may not give the desired results.**

12. **In view of the above, the Committee is of the unanimous opinion that the need of the hour is to strengthen the CBI in terms of legal mandate, infrastructure and resources.** The Committee feels that the issues elucidated below require urgent and utmost attention and that serious consideration and effective implementation of the same would go a long way in transforming CBI into a truly world class multidisciplinary investigation agency.

12.1. The Committee is of the opinion that the following are the main areas of concern which have been dealt with in succeeding Chapters of the Report:

- (i) Human Resources;
- (ii) Infrastructural Facilities;
- (iii) Financial and Administrative Empowerment;
- (iv) Directorate of Prosecution;
- (v) Separate enactment - all of the abovementioned aspects may be incorporated in a separate statute under the title “**Central Bureau of Intelligence and Investigation Act**”.

## CHAPTER-II

### 13. HUMAN RESOURCES

13.1. The Committee is of the opinion that human resources is the strongest asset of an organisation and strongly feels that holistic development, effective management and optimum utilization of human resources have important bearing on the over all functioning of an organisation. The extent of development of an organisation can be gauged by the content and contentedness of its human resources. As regards CBI, the Committee feels that the following aspects related to human resources need urgent attention.

#### 13.2. Deputationist nature of the organisation

13.2.1. The Committee could gather that when the CBI was formally constituted, it had no officers and that for immediate and near-term purposes, officers were then recruited on deputation from the Indian Police Service at the supervisory level, and from the State Police at the subordinate levels. Simultaneously, Recruitment Rules also allowed for the direct recruitment of officers through SSC and UPSC at the entry levels of Constable, Sub-Inspector and Deputy Superintendent of Police respectively, so that over a period of time, these officers shall form the nucleus cadre of the organisation and help run it in all its essentials.

13.2.2. The Committee is of the opinion that investigation, or the ascertainment of truth on the bedrock of admissible evidence, in accordance with the law, is a delicate task. It is of the opinion that investigative skills are specialized skills that are acquired, shaped and honed over a period of time with the direct benefit of field-oriented practical experience and habitual application and testing of skills and skill-oriented training in the Training Institutes and the field.

13.2.3. The Committee also feels that the chief distinguishing difference between police personnel and CBI personnel is specialization. While the typical police officer in the State Police is responsible for a host of duties ranging from the preservation/maintenance of law and order and public tranquility, provision of security to VIPs, processions etc. and investigation, the typical CBI officer is responsible for only one thing *i.e.*, investigation. The Committee could gather that the State Police personnel are bereft of experience, in many jobs which CBI personnel are routinely engaged in.

13.2.4. The Committee feels that the perspective of the State Police forces is more focused on crime and law and order aspects and not so much on national security imperatives. It notes that the State police lack knowledge about inter-State/international dimensions of crimes on hand and that they often lack adequate resources and expertise to deal with complexities of investigation in cases which are multifarious and multidisciplinary in nature.

**13.2.5. In this backdrop, the Committee does not agree with the proposition/argument that deputation is encouraged in CBI in order to prevent vested interests. It is of the considered opinion that this is devoid of justification and feels that in an organisation like CBI, *esprit d' corps* and departmental loyalty are indispensable.**

**13.2.6. The Committee observes that deputation at the inceptional stage of the CBI was an unavoidable necessity owing to shortage of officers. Its continuation today is an avoidable luxury owing to availability of adequate numbers of competent departmental officers, whose numbers can be replenished through recourse to direct recruitment.**

13.2.7. The Committee understands that officers coming on deputation from the States may not be aware or be familiar with the nuances of specialized investigation which CBI personnel engage in. This leads to logjams in decision-making in as much as a lot of time gets consumed in the process of deputationist officers getting familiarized with the various methods of investigation adopted in CBI.

13.2.8. The Committee also notes that the departmental officers are not the decision-making class within the CBI and that all important posts within the CBI are manned by IPS deputationist officers. Further, the promotional prospects for departmental officers have been progressively worsened over the last three decades to make the CBI the least attractive option for potential young officers in the open market.

13.2.9. The Committee observes that while departmental officers have acquired commendable professional competence, even expertise in niche areas like securities and finance transactions, defence purchase-related transactions, abuse of official position-related decisions, custodial death-related cases, fake encounter-related matters, most of the officers on deputation, to some extent, lag behind in dealing with such matters. It has also come to the notice of the Committee that officers without sufficient experience of service and knowledge are inducted on deputation for complicated job in CBI.

13.2.10. The Committee notes that at present there are prospects of absorption into CBI for deputationist personnel. This results in junior deputationists, on absorption, being promoted to higher ranks while the direct recruits continue to stagnate at much lower ranks, resulting in consequential demoralization. Furthermore, there are high chances of the deputationists resorting to the policy of appeasement in order to be absorbed into the organisation. The Committee apprehends that such tendencies may divert the attention of the officers from their job on hand, since they are more prone to giving greater attention to their personal career gains.

13.2.10.1. At this juncture, it is pertinent to note that the Committee set up in CBI to study the "Empowerment of the Investigating Officer" in 2005 had observed that "there appears to be an unspoken and underlying grouse with the direct CBI officers regarding the absorption of deputationists and fixing of their seniority *vis-a-vis* the absorbed officers. There have been instances where very junior deputationists with hardly 10 years of service, on absorption were promoted as Additional Supdt. of Police in the CBI. On the other hand the direct recruits of CBI continue to stagnate at much lower ranks". The Committee had, in view of the above, recommended that the deputationist officers should not be absorbed in the CBI.

13.2.10.2. The issue of deputation in CBI repeatedly came to the centre stage during the deliberations of the Committee. The Members of the Committee were of the opinion that the deputation quota should be prescribed with reference to the nature of the job and that the number of deputationists at the junior levels particularly, should be relatively small, so that the interests of the cadre officers would not be detrimentally affected.

13.2.10.3. Taking into account the above mentioned aspects, the Committee is of the opinion that the deputationists bring in varied experience with them because of their exposure to different kind of situations in their parent department. At the same time, the Committee strongly feels that less dependence should be placed on deputation and that the deputation policy should be so framed that it does not adversely affect the promotion prospects of direct CBI officers.

13.2.10.4. The Committee recommends that in the event of vacancies not being filled up in the deputationists cadre, those vacancies should be filled up by seeking recruitment from the permanent cadre of CBI. The Committee, further recommends that the deputationists



who are serving in CBI at present, or till a particular time limit to be fixed by the Government, should be given the option to be absorbed in the organisation.

13.2.11. The Committee is of the view that while appointing the Director, CBI, all things being equal, preference should be given to the person with the prescribed qualifications and who has experience working in the organisation. It is of the opinion that such a person will be well conversant with all the departments and wings in the organisation and will be able to address day to day problems arising in the organisation, render effective leadership to the personnel and the organisation and mould CBI into a specialized agency.

### 13.3. Shortage of manpower

13.3.1. The Secretary, Ministry of Personnel, Public Grievances and Pensions while tendering oral evidence before the Committee, stated that in most of the Central Police Organisations at certain levels, it has not been possible to induct All India Service or IPS officers from the States and that in the last 15 years, there has been a considerable decline in the number of people coming forward for recruitment in Police Service and that it was a decision which was taken in the past for reasons of economy. **He also stated that the number of people recruited in the IPS was reduced and that as a result, States themselves found it difficult to spare the services of young officers for the CBI like they find it difficult to spare such officers for any other Government of India appointment.**

13.3.2. **He further stated that apart from that, for the last seven years, the Government has put in place optimization scheme, under which two-thirds of regular recruited posts in any Government Department should be abolished for the sake of economy. He deposed that the question of exemption was there in certain organisations and that the Ministry of Personnel, Public Grievances and Pensions would like the CBI to be exempted from the scheme.**

13.3.3. As per the Annual Report of CBI for the year 2006, the total sanctioned strength of CBI as on 31.12.2006 was 5959. However, the actual manpower available was 4652 and as many as 1307 posts were lying vacant at the end of the year. The vacancies in the executive cadres were mainly in the ranks of Joint Director-6, Deputy Inspector General of Police-5, Sr. Supdt. of Police-1, Supdt. of Police-24, Addl. Supdt. of Police-15, Dy. Supdt. of Police-118, Inspector-168, Sub. Inspector-95, Asstt. Sub Inspector-24, Head Constables-42, Constables-134+95. Besides there were vacancies of 75 Law Officers at various levels. 94 Technical posts were also vacant.

13.3.4. The Committee notes that as per existing austerity measure of the Government, direct recruitment has been limited to one-third of the direct recruitment vacancies arising in a year subject to a further ceiling that this should not exceed 1% of the total sanctioned strength, resulting in filling up only a fraction of vacancies during a year. Moreover, vacancies under direct recruitment quota could not be filled up for want of clearance of the Screening Committee.

13.3.5. The Committee could gather that most of the vacancies are of Direct Recruitment quota, which is filled up through Union Public Service Commission/Staff Selection Commission. However, these recruitment procedures are complicated, outmoded, lethargic and lengthy, thereby causing delay in filling the vacancies.

13.3.6. **The Committee expresses deep concern over the prevailing vacancies in CBI. It is of the opinion that the large number of vacancies is bound to result in severe strain on the existing manpower who are hard pressed to deliver positive results and that it is detrimental to professional excellence and efficiency. The Committee feels that despite repeated recommendations by this Committee in its previous Reports on the Demands for Grants of the Ministry of Personnel, Public Grievances and Pensions, adequate steps have not so far been taken to overcome this persisting problem. It is of the view that if this situation is**

allowed to continue for long, there could be serious repercussions on the functioning of CBI and that this needs a serious and positive thinking on the part of Central Government.

13.3.7. The Committee recommends that the Government should augment its efforts to make suitable amendments in the relevant Recruitment Rules and that steps should be taken on a war footing basis to fill up the vacancies within three months. The Government should also take necessary action for need-based augmentation in staff strength in the CBI so that it can rise up to the people's expectations.

13.3.8.1. The Committee was informed that prior approval/clearance of the Surplus Cell in the Central Government is required to be taken before filling up the vacancies under direct recruitment quota and that in the absence of clearance of the Surplus Cell, recruitment cannot be done. **In view of the serious manpower problem in the CBI, the Committee recommends that the requirement of prior approval of the Screening Committee constituted by the Government, for filling of direct recruitment vacancies should be waived for CBI as a special case.**

13.3.8.2. The Committee strongly feels that more powers should be delegated to the CBI for the selection process of its officials in tune with the requirement of the organisation. This would help in better assessment of the suitability of recruits for the CBI. **The Committee recommends that the Director, CBI, being the head of the organisation should be made a full-fledged member of the CBI Selection Committee for choosing all officers for induction into the CBI. As he is fully aware of the requirements of the organisation, he can be the right person to assess the suitability of an officer for the CBI.**

13.3.8.3. The Committee noted that as per Ministry of Finance O.M. No. 7(7) -E(Coord)/93 dated 03.05.1993, if a post remains vacant for more than one year, that will be treated as "deemed abolished" and before filling up the same, approval of the Department of Expenditure will be required for its revival. **The Committee notes that revival of such posts is a very lengthy process. It recommends that reduction of staff strength at any level on ground of austerity measure should not be resorted to in this premier investigating agency of the country.**

13.3.8.4. The Committee was informed that the induction of officers in the ranks of Dy. SP and Addl. SP is done through the Union Public Service Commission (UPSC), which is a very lengthy process. The Committee was also apprised that in case of Departmental Promotion Committees (DPCs), delay occurs on the part of Union Public Service Commission.

13.3.8.4.1. During the deliberations of the Committee, it was pointed out that scientific bodies such as the Indian Council for Agricultural Research (ICAR) has its own rules for recruitments and that they constitute their own DPC which takes decisions on promotions and that everything is internalized within that organisation. It was felt that granting such powers to an organisation helps in ensuring professionalism and efficiency. A view emerged that CBI should be given the powers to recruit its own staff and to conduct their DPCs.

13.3.8.4.2. **In view of the above, the Committee is of the opinion that general recruitment by UPSC and allotment by option of residuary personnel makes the status of CBI reduced to an ordinary police force. It strongly feels that CBI needs professionals and experts in various fields and not the general category of personnel who are recruited by the colonial mode of recruitment. Therefore, the Committee recommends that the recruitment at various cadres/levels should be made by CBI itself based on the requirements of the organisation.**

13.3.8.4.3. The Committee recommends that the Government may consider to amend the recruitment rules of CBI so as to delink the consultations in respect of DPCs with the UPSC for speedy filling up of the vacancies. It is of the opinion that an officer each of the UPSC and DoPT can be included in the DPCs. Till such a method is put in place, an

**effective mechanism should be chalked out in order to ensure that DPCs of CBI personnel are not delayed in UPSC. This is needed to ensure quick career progression in CBI.**

13.3.8.5. The CBI had submitted in its written reply that in order to ensure better age profile, smooth career progression and for substantial advantage to the organisation in terms of better quality induction, CBI has recommended to recruit officers at the level of Inspector instead of Sub-Inspector (SI) level and that this was also be required keeping in view that under Prevention of Corruption Act, no officers below the rank of Inspector can investigate a case under the Act, and hence the strength of SI in CBI largely remains unutilized/under utilized so far as investigation is concerned. **The Committee recommends that the Ministry should examine this proposal in all seriousness and adopt necessary steps to implement the proposal of CBI.**

#### 13.4. TRAINING

13.4.1. **The Committee is of the opinion that the unflinching strength of CBI has been, and will always be, its personnel. It feels that specialised investigation and professional upgradation of skills is the need of the hour. Therefore, it is of the opinion that holistic development and quality upgradation of human resources should be given utmost priority while defining institutional priorities, goals and objectives.**

13.4.2. The Committee held extensive interaction with the CBI officials during its visit to the CBI Academy at Ghaziabad in January, 2005. It has been long felt that more funds should be provided for training of CBI personnel, along with modern facilities, equipments and gadgetry. **The Committee is of the opinion that long term planning should be envisaged to ensure that each and every personnel in CBI is trained to realize their full potential and to ensure that they are capable of rendering their duties effectively. The Committee recommends that the Training Centres in CBI should be given adequate funds and all facilities and attempts should be made to increase the number of such centres and resource crunch should not be a reason to affect the training aspect of the CBI personnel.**

13.4.3. **The Committee recommends that training should not only be confined to entry-level personnel, rather it should be expanded to middle and senior level officials also. Training module should be upgraded and modernised taking cue from the best in the world, and a sound research base should be developed in this regard. The Committee further recommends that mandatory in-service training should be laid down as precondition for promotion. It recommends that adequate funds should be granted without fail for training purposes and that zealous steps should be taken to develop the CBI Academy into a training centre of excellence in the world.**

13.4.4. **The Committee further recommends that as regards training in technical field, the inputs from experts in the respective fields should be made use of, by utilizing their expertise as guest faculty. This will enable the CBI personnel to be updated of the latest technological advancements and innovations. Moreover, the Committee recommends that the permanent faculty in CBI should be periodically sent for systematic specialized training to enhance their knowledge.**

#### 13.5. SPECIAL INCENTIVE ALLOWANCE

13.5.1. The Committee notes that though the fees for Special Counsels and Retainer Counsels have recently been increased as stated in the Annual Report of CBI for the year 2006, the fee structure of CBI counsels appear to be far from satisfactory which cannot attract the best legal brains for this premier investigating agency.

13.5.2. **The Committee is of the view that since the defence counsels are paid exorbitant fees by the accused who are wealthy and mighty, the CBI counsels should also be paid the best incentives so that they too are motivated to put in their expertise and knowledge and maintain high professional standards.**

13.5.3. The CBI has submitted in its written reply that at present, the prosecution and technical staff are not entitled to Special Incentive Allowance. **The Committee recommends that Special Incentive Allowance should also be granted to the prosecution and technical staff so as to attract best talent. This would ensure that finest talent is attracted to its fold and that the motivation levels of the staff are kept high. It also recommends that Training Allowance should be granted to all ranks of the staff in the CBI Academy.**

13.5.4. The Committee observes that the very nature of work in CBI is such that it inherently involves a lot of out-station visits/travel by the Investigating Officers and their teams. The Committee feels that they should be enabled access to decent accommodation, transportation, communication and other facilities. **The Committee recommends that an enabling mechanism should be put in place for periodic review of applicable TA/DA rates on a six-monthly basis to preclude incurrment of losses by CBI officers in the course of their duties on outstation visits.**

13.5.5. **The Committee endorses the recommendation made by the Committee set up in CBI to study “Empowerment of the Investigating Officer” in 2005, that a suitable method should be found to reimburse the Investigation Officers (IOs), the expenditure incurred by them on local transport utilized for performance of official duty and that on submission of TA bills along with Case Diaries, the Branch SP may satisfy himself about the correctness of the claim made and then reimburse the expenditure incurred on local transport by the Investigating Officer. The Committee also concurs with the recommendations of the above mentioned Committee regarding the perks to be granted to the IOs.**

### 13.6. **SHORTAGE OF RESIDENTIAL ACCOMMODATION**

13.6.1. The Committee notes that the problem of residential accommodation for CBI personnel has assumed a serious dimension and that lack of proper housing facility has a negative impact on the morale of the CBI personnel whose job profile is difficult and arduous. **The Committee is of the opinion that in order to ensure optimum productivity in an organisation, efforts should be made by the organisation to ensure that there is a well thought out support network within the system. This includes providing basic amenities to the personnel and their families. This would ensure maximum workforce satisfaction and less stress levels. The Committee recommends that since the personnel in CBI investigate and prosecute high profile offenders who are resourceful and mighty, at the risk of their life and their families too, steps should be taken to ensure that their families have a roof over their heads and are well protected. This is more so important because the job nature of the CBI personnel demands frequent outstation travels for long durations.**

13.6.2. The Committee could gather that the Government is taking steps to improve the satisfaction level of residential accommodation for CBI Officers/Staff. For this purpose, apart from allotting the residential accommodation from the Directorate of Estates, Government of India General pool, 1444 residential quarters of different types have been constructed at different stations in the country for allotment to Officers/Staff members of CBI only. Further efforts are being made either to purchase ready built quarters or to construct the same on the available land.

13.6.3. **The Committee notes that the satisfaction level in terms of residential accommodation in CBI is about 27 per cent and feels that it needs to be raised to atleast**

**60-70 percent. It observes that the initiatives taken by the Government in this regard are inadequate and adhoc and falls far short of a holistic situation.**

**13.6.4. In view of the above, the Committee recommends the following:**

- (i) CBI may be allowed to purchase ready built flats in all metropolitan cities where the satisfaction level is below the prescribed norms and requisite funds for the same should be provided; and**
- (ii) Budget allocation under this Head should be enhanced considerably and all proposals forwarded by the CBI should be expeditiously processed.**

**13.6.5. The Committee strongly recommends that serious efforts should be made in a time bound and systematic manner in this regard.**

### **13.7. POSTINGS AND TRANSFERS**

**13.7.1. The Committee feels that postings and transfers have an important bearing on the morale of personnel and is of the opinion that the welfare of the staff and their families should also be kept in mind while effecting the same. Since unfair postings and transfers have a demoralizing effect on the personnel, the transfer policy of the organisation should be transparent and should be applied without exception. The Committee endorses the recommendation made by the Committee formed in CBI to study the “Empowerment of Investigating Officer” in 2005, that while transferring officials, academic session should always be taken into consideration so that the academics of their children do not suffer at any cost.**

**13.7.2. The Committee notes that there is perennial problem of shortage of officers in difficult regions like North East, Jammu and Kashmir and Port Blair. The Committee feels that this problem should be addressed in a holistic manner and recommends that the Government should chalk out an effective solution to this problem, by granting special financial packages/facilities etc. to the personnel who are posted in such areas/terrains. The Committee recommends that the policy of compulsory rotation should be implemented to tackle this problem.**

### **13.8. SOCIAL SECURITY**

**13.8.1. The Committee notes that stress is an increasing feature of the work-place in an organisation like CBI. It is of the opinion that well being of the staff should be key concern and that efforts should be made to ensure that the work environment is made as stress free as possible. The Committee opines that keeping in view the hectic job nature of the CBI personnel, proper recreational facilities and library services should be provided to them.**

**13.8.2. The Committee recommends that serious thought should be given to grant the CBI personnel and their families multi-utilitarian insurance policies on a Group Scale and greater medical and clinical access, keeping in view their hectic job profile and work related stress characteristic to their job. The Committee feels that this would go a long way to incentivize and galvanize the proactive performance of the personnel in CBI.**

## CHAPTER-III

### INFRASTRUCTURAL FACILITIES

14.1. The Committee could gather that in this era of technological boom, the Investigating Officers in CBI who are at the cutting edge of investigation have not been provided with mobile phones or laptops. **The Committee recommends that such gadgets should be made available to them to ensure smooth, timely and proper execution of their delicate work which is usually on a 24X7 basis.**

14.2. **The Committee recommends that CBI should have a strong in-house Research and Development Wing. The Committee is not in favour of outsourcing any job entrusted to CBI, keeping in view the confidential nature of the work done in the organization. It recommends that specialized departments consisting of specialized professional personnel should be created in the organization itself to deal with specialized sectors such as banking, airlines, insurance, revenue, terror etc.**

14.3. **As far as forensic support is concerned, the Committee feels that there is an urgent need to provide forensic support exclusively to the CBI. Moreover, the technical staff should be granted special incentives because the Committee notes that they are engaged in highly technical assignments which involve analyzing every minutest detail in a case and arriving at logical conclusions.**

14.3.1. **The Committee notes that at present, the CBI is dependent on Forensic labs which are established and controlled by the Ministry of Home Affairs. The Committee could gather that this results in delay in procuring scientific verdict in the cases which are referred to these labs by CBI, thereby resulting in piling up of cases. The Committee is of the opinion that quick disposal of cases referred to the labs has to be ensured stringently and that it is more so important because without scientific evidence to substantiate the case put forward by the prosecution, conviction cannot be ensured. Therefore, the Committee strongly recommends that the CBI should be equipped with Forensic labs which are exclusively at the disposal of CBI and which are manned by the CBI personnel, who are technically trained for the same. This will ensure effective monitoring of the progress of the forensic cases referred to it and thereby, quick disposal of cases.**

14.4. **The Committee recommends that concrete steps should be taken to attract highly qualified technical staff to the organisation, for whom there is no dearth of employment opportunities in the private sector or abroad. Furthermore, adequate training should be given to them so that they can hone their skills in such a way that it aids in effective investigation and successful prosecution.**

#### 14.5. **Construction of CBI headquarters**

14.5.1. The Committee, in its previous Reports on Demands for Grants of the Ministry of Personnel, Public Grievances and Pensions, had recommended that the Ministry should ensure that the construction of the CBI Head Quarters Building takes place within the stipulated period. The Secretary, Ministry of Personnel, Public Grievances and Pensions, while deposing before the Committee, stated that the proposal for a new CBI Headquarters Building has been approved and that it would be a real State of the Art building.

**14.5.2. The Committee reiterates its earlier recommendation that the Ministry should ensure that construction of CBI Headquarters Building takes place within the stipulated period.**

#### **14.6. Cyber Crimes**

14.6.1. The Committee is aware that cyber attacks on our critical infrastructure and economy would have potentially devastating results. The Committee takes note of the submissions made by CBI in its written reply that the offences defined under the Information Technology Act, 2000 should be investigated as per the jurisdiction defined in section 177 to 189 of Chapter 12 of CrPC. However, since the jurisdiction of most of the offences under this Act would lie outside the jurisdiction of Union Territory, CBI requires consent of the State Governments under section 6 of DSPE Act and corresponding notification by Central Government under section 5 of the Act to investigate offences. In absence of general consent by the concerned State Governments, to obtain consent of the State Governments on case to case basis is extremely slow process compared to the speed at which the cyber crimes are committed and also given the volatility of the evidence.

14.6.2. It was also stated that though the CBI has been mandated by the Ministry of Home Affairs to build national capability in imparting training in cyber crime investigation and have also been made authorized agency of Central Government to investigate computer related-crimes and to initiate investigation into all cases of hacking and cyber crimes *vide* letter dated June 3, 2002 of the Cabinet Secretariat, it has not been able to perform that role.

**14.6.3. The Committee is of the opinion that cyber crimes breach boundaries of States and that it is very difficult, rather impossible to fix the jurisdiction of an individual State to take cognizance of the matter. Moreover, the nature of cyber crimes is very complex and technical and the State police personnel may not be fully equipped to deal with them. Therefore, the Committee recommends that the existing law should be amended to enable the Central Bureau of Investigation to undertake investigation into cyber crimes without going for the lengthy process of obtaining the sanction of Governments of the States in such cases.**

**14.6.4. The Committee further recommends that the Cyber Crime Unit which is presently functioning in CBI should be adequately supported by a well equipped technical unit with adequate cyber investigation/forensic tools and related infrastructure. Further, prevention of cyber crimes should also be given top priority. In order to ensure prevention of such intrusions, the Committee recommends that CBI should be given the requisite legal mandate and should be equipped to monitor the cyber traffic traversing through various gateways in the country.**

#### **14.7. International Crimes**

14.7.1. The Committee is of the opinion that in this era where international crimes are on the rise and India is one of the countries where such incidents routinely occur, it is but inevitable that the premier investigating agency in the country is fine tuned to the exigencies of the modern world. As corporate, financial and nationality definitions and structures become more complex and global, the distinction between foreign and domestic entities will increasingly blur.

**14.7.2. The Committee feels that in this era, in depth knowledge of international law, procedure and various treaties is inevitable. In this background, the Committee is of the view that CBI failed in obtaining successful conviction in many cases having international ramifications because of non-expertise of CBI in such cases. In order to achieve this objective, the Committee recommends that a separate wing *i.e.*, “International Crimes**

**Division” should be carved out in CBI with well trained personnel which would cater to matters connected with INTERPOL, extradition and international crimes.**

**14.7.3. The Committee further recommends that separate wings should be created in CBI to deal with matters in specialised sectors such as Banking, Insurance, Airlines, Revenue etc. Such wings should be comprised of competent personnel who are professionals in their respective fields. They should be granted pay and emoluments commensurate to their knowledge and expertise.**

#### **14.7.4. Anti Terrorism Division**

**14.7.4.1. The Committee feels that in the present scenario when India faces the grave challenge of terrorism, proper attention should be given to the prevention and management of terrorist threats/attacks. This would also involve ensuring conviction in such cases without delay. The Committee strongly feels that CBI is the organization which is well equipped for such operations, investigation and prosecution. Therefore, the Committee recommends that a separate Anti terrorism Division should be created in CBI and that highly advanced training and infrastructure/equipments should be provided to them.**

#### **14.8. Modernization**

**14.8.1. The Committee is of the view that modernisation of the agency is of the utmost priority, in view of new dimensions of crime due to innovation of technology and also high expectations of people and reliance on the proficiency of CBI by the entire political and social spectrum.**

**14.8.2. The Committee recommends that latest gadgets and equipments should be procured to ensure efficient and effective functioning of the organisation. It feels that fine tuning between man and machine would definitely enhance the technical capability of the organisation.**

**14.8.3. The Committee recommends that adequate facilities and amenities should be provided to the CBI personnel so that they can put in their best in the discharge of the onerous responsibilities. More funds should be allocated for modernization and proper review of the work done in this regard should be taken up on a regular basis. Stress should not only be limited to allocation; rather optimum utilisation of the available funds needs to be ensured. Proposals for modernisation should be worked out and if needed, experts in these fields should be involved in framing such projects/proposals.**

**14.8.4. The Secretary, Ministry of Personnel, Public Grievances and Pensions while tendering oral evidence before the Committee, stated that CBI has engaged Indian Institute of Technology, Delhi as its institutional consultant to advise it on several aspects of modernisation. The Committee is happy to note that such proactive steps have been taken in this regard and recommends that its findings should be thoroughly examined and implemented in a time bound manner.**

**14.8.5. The Committee is of the opinion that if we aspire to raise CBI to international standards, world class gadgetry should also be provided to the personnel. The Committee, therefore, recommends that the Investigating Officers in CBI should be given latest equipments such as Blackberry type (Broadband) mobile phone which are the latest for the time being, laptop with internet mobile connectivity and pen-drive etc. so that they are equipped with sufficient ammunition to improve their work performance and output.**

**14.8.6. It has been submitted by CBI, in its written reply, that a consolidated Plan Document for modernization of CBI is awaited from the CBI. Their proposal is likely to include:**



- (i) Purchase of latest gadgetry like laptops, cellular phones, digital video cameras.
- (ii) Purchase of vehicles.
- (iii) Construction of 2nd phase of CBI Academy.
- (iv) Replacement of existing distributed database architecture with central database.

**14.8.7. The Committee recommends that the consolidated plan document for modernization of CBI, which is awaited, should be prepared and implemented at the earliest. The Committee is of the opinion that much more needs to be done regarding modernization in terms of investigation, interrogation and training. It recommends that advanced logistics and support facilities should be made available to the personnel without delay. The Committee recommends that steps should be taken to establish a paperless environment and is of the opinion that utilizing automated work flow systems would improve job efficiency.**

## CHAPTER-IV

### FINANCIAL AND ADMINISTRATIVE EMPOWERMENT

15.1. The Committee is of the opinion that lack of financial autonomy acts as a major hindrance in the efficient working of the organisation. It notes that lack of delegation of powers is one of the major bottlenecks in the CBI and that even for the smallest of things, CBI has to get clearance from the Ministry of Personnel, Public Grievances and Pensions.

**15.2. The Committee recommends that keeping in view the need for functional independence of the CBI, it is imperative that financial powers are commensurate with the requirement of efficient and smooth functioning of the organisation.**

15.3. The Committee, during examination of Demands for Grants for the year 2005-06 of the Ministry of Personnel, Public Grievances and Pensions had recommended that an Internal Financial Advisor for CBI may be appointed to render expert advice on financial matters. **The Committee could gather that this proposal has been implemented. The Committee recommends that more financial powers should be vested with the Director, CBI so that expenditure incurred on activities such as training, purchase of computers etc. do not suffer, owing to lack of funds.**

**15.4. The Committee strongly feels that the Director, CBI should be given the same status as that of his counterparts heading similar international organisations such as FBI. It is of the opinion that it is but inevitable that the Director of the premier investigation agency in the country should exercise powers and autonomy which are at par with those exercised by his counterparts. The Director, CBI should be given appropriate powers and discretion to take on the spot decisions regarding vital proposals for improvement of infrastructure, methods of investigation etc.**

**15.5. The Committee notes that the sad state of affairs which is prevalent now is that cases are being referred to CBI without granting adequate funds required to meet the investigation and prosecution expenses. The Committee is of the opinion that it is high time that concrete steps are taken to ensure that in the Ministries/Departments of the Central Government, annual projections/estimates should be calculated/made as to how many cases are likely to arise which may be referred for investigation by agencies such as CBI. Thereafter, in accordance with the projections, adequate budgetary provisions should be made and such amount should be made available to the investigation agency as and when cases are referred to it. The Committee recommends that a separate budgetary head should be provided for such expenses.**

**15.6. The Committee is also of the view that the expenses incurred by the investigation agency in the investigation and prosecution of a case should be met by the concerned Department/Ministry. Such a system will ensure that the investigation and prosecution will not suffer on account of shortage of funds and that the targets are achieved within the prescribed time-limit.**

#### **15.7. Internal Vigilance machinery**

15.7.1. The Committee observes that there have been many instances wherein there has been misuse of power by the CBI personnel. It feels that such occurrences earn a bad reputation for

this premier organization. **The Committee feels that independence and accountability are two sides of the same coin. Therefore, it is of the opinion that while there is a need to grant greater autonomy to CBI, proper care should be taken to ensure accountability also. The Committee recommends that an effective and stringent vigilance machinery should be envisaged and set up in CBI to ensure that incidents of abuse of power do not occur in future. It further recommends that stringent punitive action should be taken against the delinquent personnel.**

15.7.2. The Supreme Court of India in *Vineet Narain's case* had observed that the CBI Manual based on statutory provisions of the Cr. P.C. provides essential guidelines for the CBI's functioning and that it is imperative that the CBI adheres scrupulously to the provisions in the Manual in relation to its investigative functions like raids, seizure and arrests. The Court had also opined that any deviation from the established procedure should be viewed seriously and severe disciplinary action taken against the concerned officials.

**15.7.3. The Committee endorses the observation of the Hon'ble Court and recommends that steps should be taken to ensure effective implementation of the same.**

#### **15.8. Transparency**

15.8.1. The Committee is of the opinion that transparency ensures accountability of an organisation/agency to the people. The Committee endorses the observation made by the Supreme Court in *Vineet Narain's case* that a document on CBI's functioning should be published to provide the general public with a feedback on investigations and information for redress of genuine grievances in a manner which does not compromise with the operational requirements of the CBI. The Committee feels that this would contribute to improved public confidence in the organisation.

**15.8.2. The Committee recommends that the information displayed in the website of CBI should be updated periodically in spirit with Section 4 of the Right to Information Act, 2005.**

**15.8.3. Some Members of the Committee raised concern over the publicity resorted to by CBI at the initial stages of investigation of cases. They opined that such publicity tarnish the image of the accused, especially in case of political persons and innocent persons, ruining their public image forever, though ultimately they may be acquitted. The Committee is of the opinion that utmost care and caution should be exercised in such cases to avoid media trial.**

## CHAPTER-V

### **DIRECTORATE OF PROSECUTION**

16.1. The Committee endorses the observation made by the Supreme Court in *Vineet Narain* 's case that unless a proper investigation is made and it is followed by an equally proper prosecution, the effort made would not bear fruition. The need for a strong and competent prosecution machinery, and not merely a fair and competent investigation by the CBI, can hardly be over emphasized. Unless a competent prosecution follows a fair and competent investigation, the exercise in the ultimate analysis would be futile and investigation without improving the prosecution machinery is of no practical significance.

16.2. The CBI, in its written reply, has stated that as the present system having separate prosecution wing *i.e.* the Directorate of Prosecution, has not yielded the desired results; but on the other hand has resulted in dilution of prosecution efforts, CBI would urge adoption of recommendation made by Committee on Reforms on Criminal Justice headed by Dr. Justice V.S. Malimath wherein it was proposed that the police officer of the rank of Director General of Police/ IGP may be designated as Director of Prosecution. It was also stated that this would facilitate an effective co-ordination between the investigation and prosecution officers and that in order to ensure accountability of both the wings of criminal justice system, Director may be vested with the power to call for the reports from prosecutors as well as from Superintendent of Police and take action in case of defaults/lapses.

**16.3. The Committee is of the view that efficient prosecution is *sine qua non* for proper administration of justice and that there is requirement of seamless co-ordination between the prosecution and investigation wings. The Committee feels that the Head of the Directorate of Prosecution should invariably be a lawyer who is well versed in the various nuances of substantive and procedural law and who has practical knowledge of arguing cases in a Court of law.**

**16.4. The Committee is of the opinion that the decision maker in regard to the issue as to whether a case is fit for prosecution or not should be the Director of Prosecution and not an executive person. It is of the view that this would ensure successful prosecution thereby, resulting in better conviction rate. The Committee feels that the Director of Prosecution should be well conversant with each and every step of the conduct of the trial and should be accountable for the same. Thus, alongwith ensuring his independence and autonomy, greater accountability is expected from him. The Committee observers that autonomy of the Directorate of Prosecution will guarantee independence of the prosecution, thereby clearing out many bottlenecks existing in the present system which result in acquittal in many cases.**

**16.4.1. The Committee strongly feels that the decision as to whether prosecution should be initiated against the accused on the basis of evidence gathered during the investigation and whether the case under consideration is sustainable in Court of law should be left solely to the Directorate of Prosecution. The Committee is of the view that the Prosecutors are the best judge in this regard and any interference in this process should be avoided to the extent possible.**

**16.5. The Committee recommends that the observation of the Supreme Court in *Vineet Narain*'s case that a panel of competent lawyers of experience and impeccable reputation shall be prepared with the advice of the Attorney General and that their services shall be**

utilised as Prosecuting Counsels in cases of significance and that even during the course of investigation of an offence, the advice of a lawyer chosen from the panel should be taken by the CBI/Enforcement Directorate, should be examined by the Government and appropriate action should be taken in this regard.

#### 16.6. Establishment of exclusive Special Courts

16.6.1. The Committee takes note of the submission made by CBI that there is procedural delay in appointment of judges for CBI Courts. The Committee strongly feels that such delays fatally affect the effective administration of justice. The Committee recommends that timely appointment of Judges should be made in exclusive CBI Courts and that a time bound strategic plan should be envisaged and implemented to minimize pendency of cases.

16.6.2. Taking into account the number of cases pending disposal, the Committee also feels that there is an urgent need to significantly increase the number of exclusive courts for conducting trial of CBI cases, or else the number of pending cases would accumulate.

#### COURT CASES UNDER TRIAL (YEAR-WISE)

Years	No. of cases
Below 5 years	4146
5 to 10 years	2116
10 to 15 years	1205
15 to 20 years	582
Above 20 years	244
TOTAL:	8293

16.6.3. The Committee takes serious view of the submission made by CBI that in 438 cases, charges have not been framed even after 10 years. The Committee recommends that targets should be fixed on a time to time basis, and that whole hearted efforts should be made to meet the targets. The Committee is of the considered opinion that the maximum time limit for disposal of a case should not be more than one year in ordinary circumstances.

#### 16.7. Delay in prosecution sanction

16.7.1. The Committee was informed that delay in prosecution sanction was one of the major reasons for delay in conclusion of a case. In the event of refusal of sanction, it results in wastage of time, money and resources expended during investigation.

16.7.2. The Committee is also of the opinion that the provision for prosecution sanction is one of the bottlenecks in providing autonomy to CBI. It is of the view that the need for prosecution sanction weakens the process of prosecution and notes that there have been many instances wherein prosecution sanction was denied and Courts stepped in to give a go ahead for the prosecution. The Committee feels that such instances bring CBI to disrepute and is of the opinion that concrete steps should be taken to prevent such embarrassments. It is of the opinion that if the procedure for initiating prosecution is foolproof, the need for judiciary stepping in will not arise in the first place and therefore, recommends that wholehearted efforts should be made in this direction.

16.7.3. In its written reply, the CBI has stated that each case is required to be examined separately by the respective Ministry/Department for decision on merits. The reasons for the delay in obtaining prosecution sanction is generally attributed to incomplete report of Superintendent of Police, which may not be adequately supported by convincing documentary evidences. It was also

stated that sometimes there are delays in taking decision by the concerned competent authority who may choose to enter into correspondence with other authorities including the CVC and by considering representations of the accused officer.

16.7.4. Furthermore, the Committee was apprised that the Central Vigilance Commission had issued guidelines for checking delay in accord of sanction for prosecution on 12th May, 2005. In order to check delay in grant of sanction for prosecution, the Department of Personnel had also issued detailed guidelines on 6th November, 2006 prescribing time limit at each stage and also fixing responsibilities on deliberate delays. The Secretary of the concerned Ministry/Department is required to furnish written explanation to the Cabinet Secretary in all cases of delay beyond the stipulated time of three months. Delayed cases are also required to be placed before a Committee chaired by Secretary (Personnel) and comprising the Secretary of the Administrative Ministry/Department, Law Secretary and Director, CBI for scrutiny and recommendation.

16.7.5. It is pertinent to note that in *Vineet Narain's case*, the Hon'ble Supreme Court of India observed thus:

“There is no similarity between a mere executive order requiring prior permission sanction for investigation of the offence and sanction needed under the statute for prosecution. The requirement of sanction for prosecution being provided in the very statute which enacts the offence, the sanction for prosecution is a pre-requisite for the court to take cognizance of the offence. In the absence of any statutory requirement of prior permission or sanction for investigation, it cannot be imposed as a condition precedent for institution of the investigation once jurisdiction is conferred on the CBI to investigate the offence by virtue of the notification under section 3 of the Act. The word “superintendence” in section 4 (1) of the Act in the context must be construed in a manner consistent with the other provisions of the Act and the general statutory powers of investigation by the CBI. The necessity of previous sanction for prosecution is provided in Section 6 of the Prevention of Corruption Act, 1947 (Section 19 of the 1988 Act) without which no court can take cognizance of an offence punishable under Section 5 of that Act. There is no such previous sanction for investigation provided for either in the Prevention of Corruption Act or the Delhi Special Police Establishment Act or in any other statutory provision. The above is the only manner in which Section 4 (1) of the Act can be harmonized with Section 3 and the other statutory provisions.”

**16.7.6. The Committee feels that once the investigating agency comes to the conclusion that prosecution is necessary and Director of Prosecution also concurs, there should not be any delay for any reason, other than the merits of prosecution itself. The Committee accordingly desires that the Ministry should make all concerted efforts to ensure that the concerned Departments, Ministries of the Central Government or State Government accord necessary sanction for prosecution within a period of 15 days. The Committee is of the considered opinion that if the sanction is not granted within a period of 15 days, it should be “deemed sanction” and the CBI should file the chargesheet in the Court and proceed further according to the law of the land.**

## **16.8. Conviction rate**

16.8.1. The Committee observes that the decline in conviction rate of CBI is due to many factors such as investigating faults, witnesses turning hostile and prolonged trial. It notes that the conviction rate of CBI has improved from 65.6% in 2005 to 72.9% in 2006.

**16.8.2. The Committee is pleased to note the positive output, but is of the opinion that efforts should be made to improve the infrastructure, incentives and facilities available to the investigation officers and prosecutors which would improve the functioning of CBI and result in higher rate of conviction.**

## CHAPTER-VI

### NEED FOR SEPARATE ENACTMENT FOR CBI

16.9.1. The Committee notes that the jurisdiction of CBI is confined only to Union Territories for investigation of offences notified under Section 3 of DSPE Act, 1946 and that it requires consent of the concerned State Government under Section 6 and a corresponding notification from the Central Government under Section 5, before taking up investigation of a case outside the Union Territories.

16.9.2. The Committee also takes note of the fact that under the existing DSPE Act, procedural nuances involved in obtaining the consent of the State Government for investigation of cases within its jurisdiction cause inordinate delays.

**16.9.3. The Committee feels that Section 6 of the DSPE Act clips the wings of CBI and due to this legal hurdle, CBI cannot be the first responders in case of crimes which even threaten the security of the nation such as a terrorist attack. By the time the CBI is handed over the case, precious time is lost which not only results in loss of crucial evidence, but also provides ample time for criminals who operate at electronic speed, to escape or move the ill-gotten wealth in safe havens across the globe. Moreover, the CBI does not get an opportunity to build required data base and collate intelligence absolutely essential for successfully investigating such type of cases, more so in the present era wherein the dangerous convergence of terrorism and traditional crimes presents obvious and acute dangers.**

16.9.4. **The Committee strongly opines that CBI should evolve into an organisation which maintains a robust incident response capability and having ability to adjust to emerging and evolving circumstances created by new threats. In order to ensure this, it should be supported by an infallible legal fabric. The Committee feels that it is high time crime scene management is given topmost priority and that in cases of terrorist attack and such other serious cases wherein the whole nation is affected, CBI should be given the power to investigate the cases without any hurdles. The Committee is of the view that CBI has acquired sufficient expertise in investigation of cases having inter-State and international ramifications and organized crimes and that what is needed urgently in public interest is adequate statutory support to CBI.**

16.9.5. The Secretary, Ministry of Home Affairs while tendering oral evidence before the Committee, stated that the issue of setting up a Central agency to deal with cases having inter-State or international ramifications was discussed in the Chief Ministers' Conference since the year 2000. He apprised the Committee that most of the States were of the view that this would be an infringement on the jurisdiction of the States under the constitutional scheme and that some of the States highlighted the need for greater co-ordination between the Central and State agencies. He also stated that some States such as Punjab, Orissa and Himachal-Pradesh agreed to the proposal.

16.9.6. At this juncture, it is pertinent to note that there are agencies such as the Enforcement Directorate and Narcotics Control Board which are Central agencies, but are endowed with the powers of investigation of cases. **The Committee is of the view that CBI can also be granted powers of investigation and prosecution in the same manner.**

16.9.7. Meanwhile, the Secretary also stated that an opinion was raised that there can be some kind of a concurrent jurisdiction between the States and the Centre and that there would have to be some mechanism whereby in a concurrent jurisdiction situation, the Central agency could be given certain cases for investigation where *prima facie* inter-State, inter-institution, international linkages are present and that there should be some mechanism whereby this Central agency with some degree of automaticity is able to take up that kind of investigation.

16.9.8. The Committee was informed by the Secretary that it is being suggested that an **Empowered Committee**, comprising of the Union Home Secretary, Law Secretary, the Director General of Police or the Home Secretary of the concerned State and the Solicitor General, could be constituted and that in event of any terrorist attack or such instances which threaten national security, this Committee would get activated. This Committee would then analyse the dimensions of the situation and make a recommendation, which after approval by the competent authority defined in the statute itself, will lead to a decision as to whether the case should be taken over by the CBI or some other agency.

16.9.9. The Secretary further stated as follows:—

...Also the view that has been expressed in various deliberations on the subject is that this should not be purely only an investigative agency. The view that has been expressed in all these deliberations is that, in fact, it should be seen as an enforcement agency. Enforcement agency means, an element of preventive intelligence, an element of intelligence back-up to investigation and all those kinds of things...

16.9.10.1. The Committee sought the views of the Department of Legal Affairs, Ministry of Law and Justice on the feasibility of granting powers to the CBI to take cognizance of crimes having inter-State, inter-organisation and international dimensions. The opinion given by them was that the Parliament could, in light of provisions of Article 253 and Entry 14 of the List I of the Constitution, enact a legislation which could contain list of offences created under various statutes to give effect to international Treaties, Convention or Agreements and that a separate Investigating Agency could be established which would have a specific body with special experts to deal with such offences. It was also emphasized that in case the proposal to create a Central Investigating Agency was carried through, the said Agency for the purpose of investigation and prosecution of the Specified Offences would have a concurrent power along with State Police and would not have the effect of ousting jurisdiction of the State Government to deal with such offences.

16.9.10.2. The Committee also sought the opinion of the Department of Revenue, Ministry of Finance on the matter of granting powers to CBI to take up offences under the Prevention of Money Laundering Act, 2002 (PMLA). Their view was that the powers to investigate and prosecute for offences under the PMLA were conferred on the Enforcement Directorate (ED) since the workload of ED in regard to investigation and adjudication of cases under Foreign Exchange Management Act was expected to decline and the available skilled manpower and infrastructure of ED, with some additional inputs, could be gainfully utilized for investigation of cases under PMLA. They also stated that there are many similarities between the provisions of Foreign Exchange Regulation Act and the PMLA in respect of investigation into matters under these two Acts, and that considerable expertise had been gained by ED in areas of such investigation.

16.9.11. The Committee takes note of the view of the Police Act Drafting Committee (Soli Sorabjee Committee) that with the blurring of the line of distinction now between external aggression and the internal disturbances engineered by terrorist etc. groups — often instigated, abetted, aided, assisted and supported by inimical foreign forces — and the organized criminal groups supporting them, with arms, ammunition, and funding through hawala transactions etc, any measures taken to combat their activities can be regarded as measures taken for defence of India, in terms of Entry number 1 of the Union List.



16.9.12. The Soli Sorabjee Committee was of the view that a country like India, wedded to democracy and rule of law, has to fight such acts of war mainly through the means of criminal justice process and due process of law and not just by militaristic means. Thus, it is imperative to set up a strong, efficient and effective criminal justice mechanism to deal with such grave threat to the country's integrity, stability and sovereignty. The acts which are aimed at — and clearly have the potential of — causing detriment to the country's integrity, stability and sovereignty or destabilizing the economy of India, are to be deemed as threats to national security and defence of India. Such perilous activities cannot obviously be left to be routinely dealt with as ordinary crime or law and order problems, by the concerned State police forces. In this regard, the Committee also noted several handicaps which the State police forces have to face in dealing with crimes of serious and inter-State/international dimensions.

16.9.12.1. The Committee also takes note of the observations made by the National Human Rights Commission (NHRC) regarding granting powers of investigation of federal crimes to a Central Agency. It was observed by the Commission, *inter-alia*, that it has been seen that the local law enforcement agencies more often than not, look at the crimes from their narrow perspective and that even if the larger ramifications are understood, the States are usually reluctant to share the intelligence or the information with the neighbouring States or even the Centre. The Commission had also observed that the individual States, due to their limited resources, would find it difficult to provide specialized investigators and experts in sufficient numbers to investigate crimes which necessitate specialization of a high order.

16.9.13. As submitted by CBI, the last two decades have witnessed communication revolution which, coupled with better transportation facilities, has reduced the world to a global village. This has not only made the movement of the criminals across national boundaries much easier but also enabled movement of ill-gotten funds almost seamless. This has been posing new challenges to police forces across the globe, who are looking for better coordination and faster exchange of information among themselves, to address these. As national boundaries evaporate, no nation can remain untouched by the onslaught of criminals operating from different parts of the globe and so are we in India.

16.9.14. This even attracted the attention of Hon'ble Supreme Court which in its order dated September 22, 2006 passed in Writ Petition No.310 of 1996 (*Prakash Singh and Others vs. Union of India and others*) observed that the suggestion made by the petitioners that the investigation of cases arising out of threat emanating from international terrorism or organised crimes like drug trafficking, money laundering, smuggling of weapons from across the borders, counterfeit currency or the activities of major groups with transnational links which have inter-State and international ramifications deserves to be entrusted to the Central Bureau of Investigation, needs consideration. The role of CBI has thus expanded considerably on account of cases being entrusted by the State Governments and faith reposed in it by the Constitutional Courts in entrusting investigation of important cases often with inter-State and international ramifications. In the recent past, number of cases of terrorism, organised crimes, human trafficking etc. have been entrusted to the CBI.

16.9.14.1. The Committee further notes the observation made by the Report of the Committee on Draft National Policy on Criminal Justice under the Chairmanship of Dr. Madhava Menon that India could not afford to leave it to individual States within the Union to tackle the menace of terrorism and certain types of organized crimes and that some sort of joint mechanism-centrally activated and controlled-seemed to be an absolute necessity. The Committee had further observed that the constitutional division of powers, however interpreted, could not come in the way when the nation's security is in peril.

16.9.15. The Committee is of the opinion that regardless of his location in any State in India, every Indian citizen, whether he is a native of that State or not, has, by virtue of his citizenship, a right

to protection by the Government of India of his life, liberty and property, and that the Government of India has a corresponding obligation. Hence, the Committee feels that vesting CBI with appropriate statutory backing to take *suo-motu* cognizance of crimes would in no way affect the essentials of our federal structure. This would not only enable the CBI to deal with such investigation with due promptitude, but also play a proactive role in collection of intelligence, creating institutional memory and capacity building. It is felt that a proactive and holistic approach is required to deal with threats thrown up, by the linkages between organised crimes and terrorists, to the national security and localized and piecemeal battles against such crimes cannot be successful.

**16.9.16. The Committee is of the opinion that in the present era, incidents such as terrorist attacks which occur in States have an impact on the entire country and that traditional methods of intelligence, investigation and prosecution are structurally and functionally inadequate to effectively counter transnational offences like terrorism, organized crime and high tech crime. The role of the Ministry of Home Affairs is confined to passing on the intelligence inputs which they painstakingly gather to the concerned State Government. It is then left to the State Government to take adequate precautionary/preventive measures. But when such incidents occur due to lack of exercise of proper vigilance by the State, the responsibility is cast upon the Central Government for the occurrence of the same. The only option left with the Central Government at present is to extend all possible support to the concerned State Government for the post crime investigation.**

**16.9.16.1. The Committee is of the view that the internal threats posed by divisive forces are equally important as external aggressions and that technology has facilitated the exponential escalation of the danger and threat levels posed by organized crimes and terrorism. Therefore, they should be dealt with very stringently and while doing so, prevention of incidents which threaten the security of our nation should be given prime thrust and priority. In this regard, the Committee strongly feels that the Central Government should be given adequate powers to take prompt and effective action on the intelligence available to them. The Committee is of the opinion that in order to ensure proper management and prevention of such incidents which threaten the security of the nation, the CBI should be envisaged as an enforcement agency also which would mean that apart from investigation and prosecution, CBI should be given mandate to ensure prevention of crimes. The Committee recommends that a separate Anti-Terrorism Division should be created in the CBI.**

16.9.17. Some Members of the Committee raised an apprehension that since nowadays politics has crept into criminal investigation, adequate safeguards should be put in place to ensure that the Central Government do not resort to arbitrary exercise of power, compromising the autonomy of the States. Taking this into account, the Committee is of the considered opinion that while guaranteeing statutory autonomy to CBI, its accountability has also to be ensured.

16.9.18. The Committee, in its earlier Reports on the Demands for Grants of the Ministry of Personnel, Public Grievances and Pensions, had recommended that the possibility of getting enacted a separate Act for CBI in tune with the requirement of the time, rather than deriving its powers from the Delhi Special Police Establishment Act, 1946, may be examined by the Government. **The Committee regrets to note that no proactive steps have so far been taken in this regard inspite of strong recommendations made by this Committee. The Committee strongly opines that unless CBI is suitably empowered statutorily, it cannot investigate cases and take it to logical conclusion.**

16.9.19. During the deliberations of the Committee, the Committee took note of the following Entries in the Union List, State List and Concurrent List of the Constitution of India:—

**Union List**

8. Central Bureau of Intelligence and Investigation.

9. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; persons subjected to such detention.

93. Offences against laws with respect to any of the matters in this List.

#### **State List**

1. Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power).

#### **Concurrent List**

1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces or the Union in aid of the civil power.

2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.

3. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.

4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 3 of this List.

16.9.20. The unanimous view which emerged during discussions of the Committee was that the CBI was initially granted powers under the DSPE Act, 1946. But, after the commencement of the Constitution in 1950, CBI is included as Entry 8 in the Union List. Moreover, in view of Entries 1, 9 and 93 of the Union List; Entry 1 of the State List and Entries 1, 2,3 and 4 of the Concurrent list, the Committee is of the considered opinion that the Constitution grants express powers to the Central Government to make and implement law, giving powers to the CBI to take cognizance of crimes. The Committee is of the view that the founding fathers of the Constitution had contemplated a well defined scheme, according to which Union Government/CBI is not, in any way, debarred constitutionally from taking *suo-motu* cognizance of offences.

**16.9.21. The Committee is of the opinion that though the Constitution granted a unique status to CBI, the powers given to CBI under the DSPE Act were not upgraded or amended after the commencement of the Constitution in tune with the corresponding Entries in the Union List, State List and Concurrent List. The Committee is of the opinion that not granting ample powers to CBI amounts to degrading the status of the investigation agency which was enlisted in the Union List by the framers of our Constitution as “Central Bureau of Intelligence and Investigation”. The Committee is of the view that CBI is the only agency in India which has acquired and accumulated the necessary expertise in successfully investigating wide hues of transnational, terrorist and organised crimes and that enacting an enabling legislation for CBI will be a major step towards evolving CBI into an independent and accountable agency which specializes in prevention, investigation and prosecution of crimes.**

16.9.22. The Committee notes that in the United States of America (USA), the Federal States have their own Constitution and yet they have subjected themselves to the jurisdiction of the Federal Bureau of Investigation (FBI) which is a Central agency. It

understands that police and public order is a State subject in the USA too and that in all cases involving a federal offence in the USA, the FBI and the local police have concurrent jurisdiction; but the moment the FBI steps in, the local police stops investigation. In India, the situation is different in that its polity is quasi-federal in nature. Therefore, the Committee sees no reason to prevent granting of powers to CBI under a suitable comprehensive legislation. Taking into account these aspects, the Committee finds no coherent reason to debar the apposite legal empowerment of CBI.

16.9.23. The Committee also deliberated upon the nitty gritty of such a legislation and was of the view that the Constitution grants CBI the necessary mandate and empowers the Central Government to enact a statute to this effect. It recommends that this Report may be formulated as the source for “Central Bureau of Intelligence and Investigation Bill” and that the DSPE Act should be amended to take CBI out of its purview or it may even be repealed. The Committee is of the opinion that there is a Constitutional direction and mandate that the State police agencies and the CBI are having concurrent jurisdiction. However, when the CBI takes up any case for investigation, or when the Empowered Committee mentioned in para 16.9.8. refers a case to the CBI, the case would become the responsibility of that agency, which may obtain support, as necessary, from the concerned State agencies and it would be obligatory for the latter to extend the same when required. The State police agencies, on their part, may also like to refer complex cases to the CBI and the CBI should be seen by the States, in public interest, as supportive and complementary, and not as intrusive.

16.9.24. The Committee feels that much manpower and finances have been expended till date to conduct studies/debates regarding the feasibility of a Central Law Enforcement Agency or granting powers to CBI. But the Committee is disturbed to note that nothing fruitful has come out so far. It feels that it is high time concrete action is taken in this direction, rather than engaging in further debates/discussions. The Committee is of the considered view that the moot point is not whether CBI should be granted powers under a comprehensive statute; but rather, when it is going to be materialized. The Committee is of the opinion that since the various provisions of the Constitution mandates concurring powers to CBI, it is in public interest that, in this era of successive waves of terrorist attacks and highly technical crimes, a statute is enacted, without much ado, granting to the CBI, powers which are enshrined in the Constitution, so that such crimes are tackled in a more consistent and effective manner.

16.9.25. The Committee is of the view that such an Act of Parliament will empower Union Government to address the present environment of violence and crimes which threaten the very fabric of Indian democracy, with more powers and accountability. This will rectify the present situation wherein the Union Government is handicapped, in the name of federalism, from making use of the intelligence they gather, thereby failing to prevent the occurrence of crimes and punishing the criminals, while the framers of the Constitution had unambiguously visualized the present need and provided the Concurrent powers as per Entries 1 to 4 of List III of the Seventh Schedule.

---

---

# MINUTES

---

---



**RELEVANT MINUTES OF THE MEETING OF THE DEPARTMENT-  
RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL,  
PUBLIC GRIEVANCES, LAW AND JUSTICE**

**V  
FIFTH MEETING**

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Thursday, the 20th September, 2007 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Dr. Radhakant Nayak
3. Shri Balavant *alias* Bal Apte
4. Shri Suresh Bhardwaj
5. Shri Ram Jethmalani
6. Dr. P.C. Alexander
7. Shri Tarlochan Singh

**LOK SABHA**

8. Dr. Shafiqur Rahman Barq
9. Shri N.S.V. Chitthan
10. Shri Chhattar Singh Darbar
11. Shri S. K. Kharventhan
12. Shri A. Krishnaswamy
13. Dr. C. Krishnan
14. Shri Shailendra Kumar
15. Shri Harin Pathak
16. Shri Varkala Radhakrishnan
17. Shri Bhupendrasinh Solanki

**SECRETARIAT**

Shrimati Sasilekha Nair, Deputy Director.

Shri Vinoy Kumar Pathak, Assistant Director.

**WITNESSES**

**Ministry of Public Grievances and Pensions (Department of Personnel and Training)**

1. Shri Satyanand Mishra, Secretary;

2. Shri Rahul Sareen, Additional Secretary;
3. Shri P.K. Tripathi, Joint Secretary.

**Central Bureau of Investigation (CBI)**

1. Shri N.R. Wasan, Joint Director;
  2. Shri K. Saleem Ali, Joint Director.
2. The Committee welcomed the Members of the Committee and the representatives of the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions. He also welcomed the representatives of the Central Bureau of Investigation (CBI).
  3. The Secretary, Ministry of Personnel, Public Grievances and Pensions deposed before the Committee and stated that *pro-active* steps were taken to fill up the vacancies existing in the CBI. He informed the Committee that the functioning of CBI was never handicapped by lack of financial resources. Speaking on the issue of granting sanction for prosecution, he enlightened the Committee that the Ministries were mandated to report to the Cabinet Secretary and that in case of delay in granting sanction, the matter was taken up with the concerned Ministries. He apprised the Committee that the Indian Institute of Technology, New Delhi was engaged as an institutional consultant for matters regarding modernisation of CBI.
  4. The Members of the Committee, in the course of the discussion, stressed upon the need to ensure functional autonomy to CBI and providing adequate statutory support to CBI. They emphasized that a time bound strategy should be envisaged to reduce the pendency of cases in CBI courts and the delay in granting sanction for prosecution.
  5. A verbatim record of the proceedings of the meeting was kept.
  6. The meeting was adjourned at 12.30 P.M.



## VI SIXTH MEETING

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Thursday, the 4th October, 2007, in Committee Room '139', First Floor, Parliament House Annexe, New Delhi.

### MEMBERS PRESENT

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

### RAJYA SABHA

2. Dr. Radhakant Nayak
3. Shri Balavant *alias* Bal Apte
4. Shri Suresh Bhardwaj
5. Shri Tariq Anwar
6. Dr. P.C. Alexander

### LOK SABHA

7. Shri Raj Babbar
8. Dr. Shafiqur Rahman Barq
9. Shri S.K. Kharventhan
10. Shri Shailendra Kumar
11. Shri Harin Pathak
12. Shri Varkala Radhakrishnan
13. Shri Bhupendrasinh Solanki

### SECRETARIAT

Shri K.P. Singh, Joint Director

Shrimati Sasilekha Nair, Deputy Director

Shri Vinoy Kumar Pathak, Assistant Director

### WITNESSES

#### I. Ministry of Home Affairs

1. Shri Madhukar Gupta, Home Secretary
2. Shrimati Anita Chaudhary, Additional Secretary
3. Shri L.C. Goyal, Joint Secretary
4. Shri Ramesh Abhishek, Joint Secretary;
5. Shri N.M. Perumal, Director.

II. \*

\*

\*

---

\*\*\* Relates to other matters.

III. \* \* \*

2. At the outset, the Chairman of the Committee welcomed the Members to the meeting and informed that in furtherance of consideration of the subject "Working of CBI", Secretary, Ministry of Home Affairs had been requested to enlighten the Committee on the issue of greater role of CBI assumed in the current scenario of the country in general and global terrorism in particular.

3. The Chairman, thereafter, welcomed the Secretary, Ministry of Home Affairs to the meeting and while making opening remarks, stated that the Committee would like to be informed about whether granting powers to CBI to *suo-motu* take up investigation of crimes would ensure effective tackling of crimes which have Inter-State or international dimensions and organized crimes. He then requested the Secretary to make a presentation on the subject.

4. The Secretary apprised the Committee that the issue of entrusting investigation of cases having Inter-State or international ramifications to the CBI, was discussed in the Chief Ministers Conference on Internal Security held since 2000 and that there was no consensus on the issue. He stated that a detailed reference on this issue had been made to the Ministry of Law and Justice and that their comments were awaited. He stressed upon the need to have a specialized Central agency which would have power to deal with terrorist activities, felonious activities or organized crimes having Inter-State and international dimensions and such other unlawful activities which are prescribed as crimes having a bearing on national security. He enlightened the Committee that a proposal was being considered to set up an Empowered Committee comprising the Union Home Secretary, Law Secretary, Director General of Police or the Home Secretary of the concerned State, Solicitor General and Law Secretary. He further stated that such a Committee would get activated once a high profile incident took place and that it would make a recommendation, with the approval of a competent statutory authority, as to whether the case is to be referred to CBI or any other agency.

5. He clarified the points raised by the Chairman and Members of the Committee.

*(The witness then withdrew).*

6. \* \* \*

7. \* \* \*

8. \* \* \*

9. \* \* \*

10. A verbatim record of the proceedings of the meeting was kept.

11. The meeting was adjourned at 1.35 P.M.

**XIV  
FOURTEENTH MEETING**

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Thursday, the 31st January, 2008, in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Dr. Radhakant Nayak
3. Shri Balavant *alias* Bal Apte
4. Shri Virendra Bhatia
5. Shri Ram Jethmalani
6. Dr. P. C. Alexander
7. Shri Tarlochan Singh

**LOK SABHA**

8. Shri Raj Babbar
9. Dr. Shafiqur Rahman Barq
10. Shri S.K. Kharventhan
11. Dr. C. Krishnan
12. Shri Shailendra Kumar
13. Shri Varkala Radhakrishnan
14. Shri Anirudh Prasad *alias* Sadhu Yadav

**SECRETARIAT**

Shri K.P Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Shri Vinoy Kumar Pathak, Assistant Director

**WITNESSES**

- |     |  |   |   |
|-----|--|---|---|
| I.  | *  | * | * |
| II. | *  | * | * |
| 2.  | *  | * | * |
| 3.  | Thereafter, the Committee held preliminary discussion on the draft Report on Working of Central Bureau of Investigation (CBI). |   |   |
| 4.  | A verbatim record of the proceedings of the meeting was kept.  |   |   |
| 5.  | The meeting was adjourned at 12.30 P.M.  |   |   |

---

\*\*\* Relates to other matters.

**XV**  
**FIFTEENTH MEETING**

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. to 1.10 P.M. and again at 4.00 P.M. on Thursday, the 7th February, 2008, in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shri Balavant *alias* Bal Apte
3. Shri Virendra Bhatia
4. Dr. P.C. Alexander
5. Shri Tarlochan Singh

**LOK SABHA**

6. Dr. Shafiqur Rahman Barq
7. Dr. C. Krishnan
8. Shri Shailendra Kumar
9. Shri Varkala Radhakrishnan
10. Prof. M. Ramadass
11. Shri Anirudh Prasad *alias* Sadhu Yadav

**SECRETARIAT**

Shri K.P Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Shri Vinoy Kumr Pathak, Assistant Director

**WITNESSES**

- |      |   |   |   |
|------|---|---|---|
| I.   | * | * | * |
| II.  | * | * | * |
| III. | * | * | * |
| 2.   | * | * | * |

3. Thereafter, the Committee took up for consideration the draft Report on "Working of CBI" and held discussion on the subject.

4. A verbatim record of the proceedings of the meeting was kept.

5. The meeting was adjourned at 5.11 P.M.

---

\*\*\* Relates to other matters.

**XVII**  
**SEVENTEENTH MEETING**

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 4.30 P.M. on Tuesday, the 4th March, 2008, in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Dr. Abhishek Manu Singhvi
3. Shri Balavant *alias* Bal Apte
4. Shri Virendra Bhatia
5. Shri Tariq Anwar
6. Shri Ram Jethmalani
7. Shri Tarlochan Singh

**LOK SABHA**

8. Shri N.S.V. Chitthan
9. Shri S.K. Kharventhan
10. Shri Shailendra Kumar
11. Shri Varkala Radhakrishnan
12. Shri Bhupendrasinh Solanki

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri K.P Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Ms. Niangkhannem Guite, Committee Officer

2. The Committee considered its draft Twenty Fourth Report on the subject "Working of Central Bureau of Investigation (CBI)". After some discussion the Committee adopted the Report. The Committee authorized the Chairman, and in his absence Shri Virendra Bhatia, M.P., and in his absence Shri Balavant *alias* Bal Apte, M.P. to present the Report in Rajya Sabha, and Shri Shailendra Kumar, M.P., and in his absence Shri Varkala Radhakrishnan, M.P. to lay the Report in Lok Sabha.
3. A verbatim record of the proceedings of the meeting was kept.
4. The meeting was adjourned at 4.49 P.M.



