

**ESTIMATES COMMITTEE  
(1968-69)**

**(FOURTH LOK SABHA)**

**SEVENTY-EIGHTH REPORT**

**MINISTRY OF HOME AFFAIRS**

**CENTRAL BUREAU OF INVESTIGATION**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*March, 1969/Phalguna, 1890 (Saka)*

२९८१

*Price : Rs. 1.70*

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA  
SECRETARIAT PUBLICATIONS**

Sl. No.	Name of Agent	Agency No.	Sl. No.	Name of Agent	Agency No.
<b>ANDHRA PRADESH</b>					
1.	Andhra University General Cooperative Stores Ltd., Waltair (Visakhapatnam)	8	12.	Charles Lambert & Company, 101, Mahatma Gandhi Road, Opposite Clock Tower, Fort, Bombay.	30
2.	G.R. Lakshminpathy Chetty and Sons, General Merchants and News Agents, Newpet, Chandragiri, Chittoor District.	94	13.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-1.	60
<b>ASSAM</b>					
3.	Western Book Depot, Pan Bazar, Gauhati.	7	14.	Deccan Book Stall, Ferguson College Road, Poona-4.	65
<b>BIHAR</b>					
4.	Amar Kitab Ghar, Post Box 78, Diagonal Road, Jamshedpur.	37	<b>MYSORE</b>		
<b>GUJARAT</b>					
5.	Vijay Stores, Station Road, Anand.	35	16.	M/s. Peoples Book House Opp. Jaganmohan Palace, Mysore-1.	16
6.	The New Order Book Company Ellis Bridge, Ahmedabad-6.	63	<b>RAJASTHAN</b>		
<b>HARYANA</b>					
7.	M/s. Prabhu Book Service, Nai Subzmandi, Gurgaon. (Haryana).	14	17.	Information Centre, Government of Rajasthan, Tripolia, Jaipur City.	38
<b>MADHYA PRADESH</b>					
8.	Modern Book House, Shiv Vilas Palace. Indore City.	13	<b>UTTAR PRADESH</b>		
<b>MAHARASHTRA</b>					
9.	M/s. Sunderdas Gianchand, 601, Girgaum Road, Near Princess Street, Bombay-2	6	18.	Swastik Industrial Works, 59, Holi Street, Meerut City.	2
10.	The International Book House (Private) Limited, 9, Ash Lane, Mahatma Gandhi Road, Bombay-1.	22	19.	Law Book Company, Sardar Patel Marg., Allahabad-1.	48
11.	The International Book Service, Deccan Gymkhana, Poona-4.	26	<b>WEST BENGAL</b>		
			20.	Granthaloka, 5/1, Ambica Mookherjee Road, Belgharia, 24 Parganas.	10
			21.	W. Newman & Company Ltd., 3, Old Court House Street, Calcutta.	44
			22.	Firma K.L. Mukhopadhyay. 6/1A, Bancharam Akkur Lane, Calcutta-12	82
			23.	M/s. Mukherji Book House, 8B, Duff Lane, Calcutta-6.	

# CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE . . . . .	(iii)
INTRODUCTION . . . . .	(v)
<b>CHAPTER I—INTRODUCTORY</b>	
A. Historical Background . . . . .	1
B. C.B.I. <i>vis-o-vis</i> Scotlandyard & F.B.I . . . . .	4
C. Statutory Basis . . . . .	5
D. Jurisdiction . . . . .	8
<b>CHAPTER II—ORGANISATION</b>	
A. Set-up at Headquarters . . . . .	17
B. Set-up of Delhi SPE Division . . . . .	20
C. Other Functional Units . . . . .	23
D. Budget Estimates and Expenditure . . . . .	24
E. Staff Strength . . . . .	25
F. Training . . . . .	35
<b>CHAPTER III—METHODS OF WORK AND PUBLICITY</b>	
A. Methods of Work . . . . .	38
B. Publicity . . . . .	45
<b>CHAPTER IV—PERFORMANCE OF CBI</b>	
A. Delhi SPE Division . . . . .	47
B. Annual Report . . . . .	55
C. Annual Programme of Work . . . . .	57
<b>CHAPTER V—DELAYS IN DISPOSAL OF CBI CASES</b>	
A. Delay in Investigation . . . . .	66
B. Delay in Central Vigilance Commission . . . . .	79
C. Delay in Ministries . . . . .	81
D. Delay in Courts . . . . .	86
<b>APPENDICES</b>	
I. Government of India (Ministry of Home Affairs) Resoluaiion No. 4/31/61-T dated the 1st April, 1963 setting up the CBI . . . . .	91
List of offences notified under section 3 of the Delhi Special Police Establishment Act, 1946 . . . . .	97

(i)

III. Copies of letter No. 31/1/46-SPE dated 13-3-1947 from Deputy Secretary, Home Department to Chief Secretary to the Government of U.P.; letter No. 22/12/48-SPE dated 8-11-1948 from the Deputy Secretary, Ministry of Home Affairs to Chief Secretaries to all the Provincial Governments; and D.O. letter No. 21/863-GD dated 5-10-63 from Shri K. P. Kohli, Director, CBI to Inspector General of Police of all States, regarding spheres of activity of the Delhi SPE <i>vis-a-vis</i> the State Police. . . . .	101
IV. Statement showing Territorial Jurisdiction of the various Branches of the General Offence Wing of the Delhi SPE Division of CBI . . . . .	108
V. Note showing the functions of the CBI . . . . .	110
VI. Statement showing sanctioned strength of staff of Delhi SPE as on 31-3-1963 and of CBI as on 1-4-1968 . . . . .	118
VII. Statement showing the location of special Judges/Magistrates in various States for trial of CBI cases . . . . .	122
VIII. Statement showing summary of Recommendations/Conclusions contained in the Report . . . . .	124
IX. Analysis of Recommendations/Conclusions contained in the Report . . . . .	136

o



# ESTIMATES COMMITTEE

(1968-69)

## CHAIRMAN

Shri P. Venkatasubbaiah

## MEMBERS

2. Shri B. Anajanappa
3. Shri R. S. Arumugam
4. Shri Panna Lal Barupal
5. Shri Onkar Lal Berwa
6. Shri Tridib Chaudhuri
7. Shri Ganesh Ghosh
8. Shri Hardayal Devgun
9. Shri Y. Gadilingana Goud
10. Shri J. M. Imam
11. Shri Tulshidas Jadhav
12. Shri C. Janardhanan
13. Shri S. Kandappan
14. Shri Yashwant Singh Kushwah
15. Shri K. Lakkappa
16. Shri J. M. Lobo Prabhu
17. Shri Inder J. Malhotra
18. Shri Yamuna Prasad Mandal
19. Shri Bibhuti Mishra
20. Shri F. H. Mohsin
21. Shri Kartik Oraon
22. Shri Chintamani Panigrahi
23. Shri Gajraj Singh Rao
24. Shri Erasmo de Sequeira
25. Shrimati Jayaben Shah
26. Shri Shantilal Shah

27. Shri Rajdeo Singh
28. Shri Arangil Sreedharan
29. Shri K. Subravelu.
30. Shri Tula Ram

**SECRETARIAT**

Shri B. B. Tewari—*Deputy Secretary.*

Shri G. D. Sharma—*Under Secretary.*

## INTRODUCTION

I, the Chairman, Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Seventy-eighth Report on the Ministry of Home Affairs—Central Bureau of Investigation.

2. The Committee took evidence of the representatives of the Ministry of Home Affairs on the 26th, 27th and 28th November, 1968. The Committee wish to express their thanks to the Secretary (Services) and other officers of the Ministry of Home Affairs for placing before them the material and information desired in connection with the examination of the Estimates.

3. The Report was considered and adopted by the Committee on the 19th March, 1969.

4. A statement showing analysis of recommendations contained in the Report is also appended to the Report (Appendix IX).

NEW DELHI-1;  
March 22, 1969.  
Chaitra 1, 1891 (S).

P. VENKATASUBBAIAH,  
Chairman,  
Estimates Committee.

# CHAPTER I

## INTRODUCTORY

### A. Historical Background

#### *Origin and Genesis*

1.1. Owing to the boom in the trade and business activities on account of vast and unprecedented defence expenditure, World War II had brought about a situation in which unscrupulous and anti-social persons, both official and non-official, were enriching themselves dishonestly at the cost of the public exchequer. Government decided to meet the situation by setting up a separate police organisation for the Territory of Delhi to investigate offences connected with transactions relating to war efforts. As a result of this decision, the Special Police Establishment was set up in 1941 under an executive order of the Central Government.

1.2. The functions of this organisation initially were to investigate cases of bribery and corruption in transactions with which the War and Supply Departments of the Government of India were concerned. Since most of the cases were expected to be connected with the War Department (as the Defence Department was then known), the superintendence of this organisation was vested in the War Department. By the end of 1942, the activities of the Special Police Establishment were extended to include cases of corruption on the Railways, because the Railways were strategically concerned with the movement and transport of war material.

1.3. In 1943, some doubt was felt about the legal competence of Police Officers working with the Special Police Establishment. Ordinance No. XXII of 1943 was, therefore, promulgated. This Ordinance, which for the first time placed the Special Police Establishment on a legal footing, lapsed on 30th September, 1946. It was followed by the Delhi Special Police Establishment Act, 1946 (Act XXV of 1946). With the enactment, the superintendence of the Special Police Establishment was transferred to the then Home Department (now known as the Ministry of Home Affairs) and its functions enlarged to cover all Departments of the Government of India.

1.4. The Delhi Police Establishment Act, 1946 gave police powers to the Special Police Establishment in the Chief Commissioner's

Provinces and in the Governor's Provinces with the concurrence of the Governments of Governors' Provinces in respect of offences notified by the Home Department under Section (3) of the Act. The concurrence of the Provincial Governments was obtained and the powers and jurisdiction of members of Delhi Special Police Establishment were extended to all Provinces through a notification issued on 1st October, 1946. The Special Police Establishment had no jurisdiction in the former Indian (Princely) States. On the attainment of independence and the consequential changes brought about in the constitution of those States, the jurisdiction of the Special Police Establishment was extended to those States also, after obtaining their concurrence. The Indian States gave their concurrence subject to an agreement that the Special Police Establishment will investigate only cases against Central Government Servants and cases in which Government of India's interest may be involved.

1.5. Till the year 1947, the Special Police Establishment functioned with Headquarters at Lahore. Just before partition, the Headquarters of the Establishment was shifted to New Delhi and it was temporarily placed under the charge of the Director, Intelligence Bureau. The then Director, Intelligence Bureau, also held additional charge as Inspector-General, Special Police Establishment till February, 1948, when a separate Inspector-General was appointed to hold charge of the Establishment. Since then the Establishment has been under independent charge of the Inspector-General, Special Police Establishment, attached to the Ministry of Home Affairs.

#### *Tek Chand Committee*

1.6. In 1949, a Committee was set up by Government under the Chairmanship of Bakshi Tek Chand to review *inter alia* the working of the Prevention of Corruption Act, 1947, to assess the success of the Special Police Establishment in combating corruption and to make recommendations regarding its continuance, strengthening etc. The Committee recommended that the Special Police Establishment should be continued and its usefulness and efficiency stepped up.

1.7. The Delhi Special Police Establishment Act, 1946, was amended by Act XXVI of 1952 to conform to the new constitutional set-up. Since then the Special Police Establishment is functioning under the statutory authority of the Delhi Special Police Establishment Act, 1946 as amended by Act XXVI of 1952. By virtue of section 2 of the Jammu & Kashmir (Extension of Laws) Act 1956 which came into force on 25th September, 1956, the Delhi Special

Police Establishment Act, 1946 has been extended to Jammu and Kashmir State also. With this extension, the Delhi Special Police Establishment Act is now in force throughout India.

1.8. In 1953, an Enforcement Wing was added to the Special Police Establishment to deal with offences relating to violations of Import and Export Regulations. Originally, a separate Superintendent of Police was in charge of this Wing with his Headquarters at Delhi and he had a Deputy Superintendent of Police and other staff at Bombay, Madras and Calcutta to assist him in this work.

#### *Santhanam Committee*

1.9. In June, 1962, during the debate on the Demands for the Ministry of Home Affairs, many Members of Parliament referred to the growing menace of corruption in administration. Replying to the debate on 6th June, 1962, the then Minister of Home Affairs (Shri Lal Bahadur Shastri) announced that he proposed to request some Members of Parliament and, if possible, other publicmen to sit with his officers for reviewing the problem of corruption and making suggestions. In pursuance of this announcement, a Committee, known as the Committee on Prevention of Corruption, was set up by Government under the Chairmanship of Shri K. Santhanam, M.P. It consisted of Members of Parliament and two Central Government Officers. The Committee made a number of suggestions for combating the problem of corruption including those concerning the organisation and working of the Special Police Establishment. Most of its suggestions regarding Special Police Establishment have been accepted by Government.

#### *Setting up of C.B.I.*

1.10. In 1963, it was felt that the Special Police Establishment alone would not be able to cope with the problem arising out of the country's ever-expanding economy. It was, therefore, decided by the Government of India, vide their Resolutions No. 4|31|61-T dated the 1st April, 1963 (Appendix-I) to set up the Central Bureau of Investigation for the investigation of crimes then handled by the Delhi Special Police Establishment and also important cases under the Defence of India Act and Rules particularly of hoarding, black-marketing and profiteering in essential commodities, which may have repercussions and ramifications in several States; the collection of intelligence relating to certain types of crimes; participation in the work of the National Central Bureau connected with the International Criminal Police Organisation; the maintenance of Crime Statistics and dissemination of information relating to crime and criminals; the study of specialised crimes of particular interest to

the Government of India or crimes having all-India or inter-State importance; and the coordination of laws relating to crime. The Delhi Special Police Establishment was merged in the Central Bureau of Investigation and become one of its Divisions. The Bureau was strengthened in July, 1964 by the addition of an Economic Offences Wing *vide* Government of India Resolution No. 24/66/64-AVD dated the 29th June, 1964 and in August, 1964 by the addition of a Food Offences Wing.

### B. C.B.I. *vis-a-vis* Scotland Yard and F.B.I.

#### *Comparison with the Scotland Yard & FBI*

1.11. The Ministry was asked to furnish to the Committee a comparative study of the functions of the CBI *vis-a-vis* those of the Scotland Yard of U.K. and Federal Bureau of Investigation of U.S.A. The study reveals that while the Central Bureau of Investigation's Investigation Agency, i.e. Delhi Special Police Establishment is empowered to investigate into only certain specified classes of offences mainly connected with corruption in its various forms, the Scotland Yard of U.K. is a police force entrusted with the responsibility of policing the metropolitan area of London like the Delhi Police for the Union Territory of Delhi. Assistance of the Scotland Yard, is, however, available to the country police force for investigation of difficult cases. One of the investigative units of the Scotland Yard is the Fraud Squad which investigates cases of company frauds.

1.12. Federal Bureau of Investigation of U.S.A. is the Federal agency whose main functions are: (i) Internal Security, and (ii) Criminal matters involving infringements of Federal Laws. In the matter of internal security, the functions of Federal Bureau of Investigation are more or less analogous to those of Intelligence Bureau. FBI's investigative jurisdiction covers all Federal statutes except those specifically assigned to another agency. Federal offences in U.S.A. mainly consists of such Inter-State crimes as thefts of automobiles and frauds against funds of the Federal Government. In respect of the latter, the jurisdiction of the FBI overlaps with that of other Federal Agencies like Internal Revenue Service, Customs, Narcotics Department etc. Most of the cases relating to evasion of Income Tax or Customs Laws etc. are investigated by the departmental investigation agencies and the CBI takes up only those cases which involve other offences also and are of special importance.

The vast majority of cases investigated by the FBI relate to automobile thefts which is a federal offence in U.S.A. Next come offences like kidnapping, federal bank robberies, violations against the Federal Reserve Act, and civil riots cases. Such cases in India

are investigated by the State Police or State Central Investigation Department. The number of cases against Federal Government officers investigated by the FBI is negligible. The great majority of the cases investigated by the CBI, are, however, against Central Government servants. The number of cases against Joint Stock Companies investigated by the FBI is also not much.

It would thus be seen that there is not much in common between the investigative functions of the CBI and those of the Scotland Yard of U.K. or Federal Bureau of Investigation of U.S.A.

### C. Statutory Basis

#### *Delhi SPE Act, 1946.*

1.13. As stated earlier, the SPE was set up in 1941 by an executive order of the Government of India. In 1942, the exercise by it of the power to investigate cases was challenged before a High Court. This led to the promulgation on the 12th July, 1943 of an Ordinance (No. XXII of 1943) by the Governor General. It empowered the Central Government to constitute a police force to be called the S.P.E. (War Department) to exercise throughout British India the powers and jurisdiction exercisable in a Province by members of the police force of the Province. Members of this Police Establishment were invested with all the powers, duties, privileges and liabilities which police officers of a Province had in connection with the investigation of offences committed in the Province. Police officers of this Establishment of the rank of Sub-Inspector and above were authorised to exercise the powers of the officer-in-charge of a Police Station in the area. Thus, for the first time, the S.P.E. was placed on a legal footing and formally invested with powers to investigate offences made over to them for investigation under the Ordinance. This Ordinance lapsed on 30th September, 1946. It was followed by the Delhi SPE Act, 1946 (Act No. 25 of 1946). This Act, as amended from time to time, remains in force even after the setting up of the CBI with effect from the 1st April, 1963 and continues to provide legal sanction and authority to the investigation of offences by the SPE which, after the setting up of the CBI became one of its Divisions.

#### *Position of the C.B.I.*

1.14. The C.B.I. was set up under the Ministry of Home Affairs Resolution of the 1st April, 1963 (Appendix I). The Resolution laid out for the C.B.I. wider functions than those hitherto exercised by the S.P.E. This involves financial commitments on a much larger scale as has been borne out by the fact that while the expenditure



on the S.P.E. during 1962-63, that is immediately before the setting up of the C.B.I., was only Rs. 50.94 lakhs, it has risen to Rs. 134.30 lakhs during 1967-68. The Government was asked to state why they chose to set up the C.B.I. with wider functions involving larger financial commitments by an executive instrument, rather than by amending the existing statute i.e. the Delhi S.P.E. Act, 1946 or by a fresh enactment. They have stated in a written reply that the Delhi Special Police Establishment Act continues to provide statutory authority for the investigation of offences by the Delhi Special Police Establishment which was made, under the resolution, one of the Divisions of the C.B.I. The other Divisions of C.B.I., the Government maintain, do not have powers of investigation and for the discharge of their functions, such as collection and dissemination of information about Inter-State and International criminals, preparation of All India Crime Statistics and Police Research etc. they do not require statutory backing.

1.15. It was pointed out during evidence that Government's action in undertaking large scale and widespread activities and setting up for the purpose a new organisation involving large expenditure out of the exchequer without specific statutory sanction of Parliament, amounted to encroachment upon the rights of Parliament. The representative of the Ministry replied that the investigations by the new organisation were lawful, being under the Delhi S.P.E. Act, 1946 and the expenditure on the C.B.I. was against the provisions made in the Budget estimates of the Ministry of Home Affairs which were approved by Parliament every year.

#### *Legislation for C.B.I.*

1.16. It was stated by Government in the preliminary material furnished to the Committee that a Bill on the proposal for legislation for the C.B.I. had been prepared by the Legal Division of the C.B.I. and that the question whether any further legislation was necessary was under examination. During evidence the representative of the Ministry was asked to state the basis on which the proposal for legislation had been made. In answer, he stated as follows:—

“The framework of the SPE Act primarily relates to the union territory and is extended to States in respect of offences listed either with a general consent or a specific consent of each State Government. Now, it is felt that more permanent and clear-cut arrangement would be useful so that in the field allotted to it, the CBI..... may either *suo moto* or unhesitatingly take up investigations..... Secondly, one part of the Bureau, which is the SPE, has

the legal powers now and the other sections or branches of the Bureau do not have any legal basis at the moment. They are really administrative expansions of SPE. It would be advantageous if they have legal cover. These are the main reasons: to legislate specifically in terms of the entry in the Union List, and give the whole Bureau a legal cover."

1.17. Replying to the question as to what specific provisions have been made in the Bill, as drafted by the Legal Division of the CBI, in regard to the jurisdiction of the CBI, the representative of the Ministry stated that the proposals, as framed by the CBI, envisaged concurrent jurisdiction for both the State Police and officers of the CBI with special primary responsibility for the CBI in regard to investigation of offences of certain categories which, as a rule, would be taken up for investigation by the CBI without reference to the State Police.

He, however, added that these proposals had been under discussion with the Ministry of Law and various issues had been raised during the course of discussion and that no final decision had been reached in regard to the scope and character of CBI investigations to be proposed under any new law.

1.18. Some Members expressed the fear that any new law giving concurrent power of investigation to the CBI would encroach upon the powers of the State Governments inasmuch as express consent of the State Governments would no longer be necessary to extend the scope of investigation by the CBI as is required at present. As such, before the proposal for legislation on CBI was accepted, its justification should be carefully examined, lest in the context of the present political situation in the country, it might be misconstrued by certain State Governments. The representative of the Ministry assured that this aspect of the question "is very much in the mind of the Ministry and that is why very careful consideration is being given to it." On being pressed further to give an instance where the CBI might have experienced difficulty in investigations under the existing arrangement, the representative of the Ministry stated that "two\* State Governments have not so far agreed to CBI having concurrent jurisdiction under Section 505 and 124A I.P.C. for investigation of offences."

---

\*At the time of factual verification, the Ministry of Home Affairs have stated that the number of such States is in fact three.

1.19. The CBI at present derives its legal power of investigation from the Delhi SPE Act, 1946 under which its Investigation Division—called the Delhi SPE Division—is empowered to investigate offences, notified by the Central Government, in the States with the consent of the Governments of those States. Thus, if a State Government does not consent to the jurisdiction of the CBI over that State in respect of any offence, the CBI will not be able to investigate cases even against Central Government servants or cases relating to Central Acts within the territorial limits of that State. Moreover, the CBI's non-investigation Divisions like Crime Records, Statistics, Research and Policy Divisions, depend for the exercise of their functions upon the assistance extended by the State Police. There being no legal basis for these Divisions, such assistance has been forthcoming on an informal basis and is dependent on the goodwill of the Inspectors General of Police of the States. In the circumstances, the Committee feel that it is necessary to give a statutory basis to the CBI in order to place it on a firmer and sounder footing.

#### D. Jurisdiction

##### (i) CBI and State Police

##### *Jurisdiction of Delhi SPE Division of CBI*

1.20. The salient features of the Delhi Special Police Establishment Act, 1946, as in force at present, are as follows:—

- (a) Section 2 of the Act empowers the Central Government to constitute a Special Police Force to be called the Delhi Special Police Establishment for the investigation in any Union Territory of offences notified under Section 3.
- (b) Section 3 provides that Central Government may, by notification in the Gazette, specify the offences or classes of offences which are to be investigated by the Delhi Special Police Establishment.
- (c) Under Section 5, the Central Government can extend to any area (including Railways area) in a State, with the consent of the Government of that State, the powers and jurisdiction of members of the Delhi Special Police Establishment for the investigation of any offences or classes of offences specified in a notification under Section 3.

Government have stated that the jurisdiction of the Delhi Special Police Establishment has been extended to the whole of India in-

cluding the State of Jammu and Kashmir. According to them, whenever it is proposed that any new offence may be investigated by the Delhi Special Police Establishment, consent of the State Government is obtained, an order is issued by the Central Government extending the jurisdiction of Delhi Special Police Establishment to investigate that offence and the offence notified in the Gazette under Section 3 of the Delhi Special Police Establishment Act, 1946. List of offences and the territories in which C.B.I. has jurisdiction in respect of those offences, notified under Section 3 of the Act, is given in Appendix II.

*Concurrent jurisdiction with State Police*

1.21. The C.B.I. has, in respect of the offences notified at present, full concurrent jurisdiction with the State Police. Asked whether there was any precise demarcation of functions between the C.B.I. and the State Police so as to avoid overlapping of work, the Government have stated that C.B.I. has an administrative understanding and a working arrangement under which the functions of the Delhi Special Police Establishment and the States are allocated and under which the types and categories of cases to be taken up by the Special Police Establishment are determined. This arrangement was originally spelled out in the Ministry of Home Affairs letters No. 31|1|46-SPE, dated the 13th March, 1947 addressed to the Government of U.P. and No. 22|12|48-SPE, dated the 8th November, 1948 addressed to all the Provincial Governments, and was agreed to by all the Provincial Governments. This arrangement continued till the 5th October, 1963 when the Director of the CBI wrote a D.O. letter (No. 21|8|63-GD) to the Inspectors General of Police of all the States indicating the guide-lines for investigation of cases to prevent overlapping. Copies of these letters are at Appendix III.

*Administrative understanding and working arrangement with the States.*

1.22. Government have stated that, in the main, the working arrangement with the States enjoins that the Special Police Establishment would take up cases of the type and categories mentioned below:—

- (i) Cases in which public servants under the control of the Central Government are involved either by themselves or alongwith State Government Servants and/or other persons.
- (ii) Cases in which the interest of the Central Government, or in any public sector project or Undertaking, or any Statutory Corporation or Body set up and financed by the Government of India are involved.

- (iii) Cases relating to breaches of Central Laws with the enforcement of which the Government of India is particularly concerned, e.g.
- (a) breaches of Import and Export Control Orders,
  - (b) Serious breaches of Foreign Exchange Regulation Act,
  - (c) Passport frauds,
  - (d) Cases under the Official Secrets Act pertaining to the affairs of the Central Government,
  - (e) Cases of certain specified categories under the Defence of India Act or Rules with which the Central Government is particularly concerned.
- (iv) Important cases under the Customs Act the Central Excise Act and the Gold Control Act and other similar enactments involving economic offences.
- (v) Cases of smuggling having wide ramifications or international connections.
- (vi) Important cases under the Opium and Dangerous Drugs Act.
- (vii) Crime on the Airlines.
- (viii) Crime on the High Seas.
- (ix) Serious cases of cheating or fraud relating to the Railways, or Posts and Telegraphs Department, particularly those involving professional criminals operating in several States.
  - (x) Important and serious cases in Union Territories particularly those of professional criminals.
  - (xi) Serious cases of fraud, cheating and embezzlement relating to Public Joint Stock Companies.
  - (xii) Other cases of a serious nature, when committed by organised gangs or professional criminals, or cases having ramifications in several States including Union Territories; serious cases of spurious drugs; important cases of kidnapping of children by professional inter-State gangs, etc. These cases will be taken up only at the request of or with the concurrence of the State Government/Union Territories Administration concerned.

1.23. In reply to the questions as to who has set down these guidelines and whether the State Governments have specifically agreed to these guidelines or these were unilaterally set down by the C.B.I./

Ministry of Home Affairs, it has been stated that these were "communicated to State Governments/Inspectors General of Police by the Ministry of Home Affairs/Central Bureau of Investigation and provide the basis for the existing arrangement." Asked how were differences of opinion in regard to jurisdiction over a particular case resolved and by whom, it has been stated that "there has been no difficulty at all, as CBI takes up only cases against Government servants or cases relating to such Central Acts, viz. Import and Export (Control) Act, Foreign Exchange Act etc. and other cases are taken up only at the instance of the State Governments/State Police or with their concurrence." It has further been stated that "there has been no difference of opinion so far."

1.24. The Committee feel that the possibility of a divergence of opinion between the CBI and the State Police is inherent in the existing administrative understanding and working arrangement even though some guidelines have been laid down in regard to the type of cases to be handled by the CBI and communicated to State Governments. The fact that no difficulty in this regard has been felt so far does not rule out this contingency in future. There is also a possibility of overlapping of work between the two agencies inasmuch as the working arrangement depends merely on the good-will and co-operation of the parties.

The Committee recommend that, in the interest of smooth working and to avoid duplication of effort and overlapping of functions, the jurisdiction of the CBI and the State Police should, as far as possible, be demarcated by making a provision in the proposed bill on CBI to that effect.

(ii) *CBI and Enforcement Agencies under the Ministry of Finance. Concurrent jurisdiction with Enforcement agencies under the Ministry of Finance.*

1.25. The Economic Offences Wing of the Delhi Special Police Establishment Division of the CBI was set up in 1964 vide Ministry of Home Affairs Resolution No. 24/66/64-AVD dated 29th June, 1964 principally as an investigating and prosecuting agency. The charter of functions as laid down in the Resolution of the Government setting up this wing provided that the following categories and types of cases would be dealt with by this agency:

- (i) Cases under the Customs Act, the Central Excise Act, the Income-tax Act, the Opium and Dangerous Drugs Act, the Company Law Act and the Gold Control Rules and other similar enactments involving economic offences.

- (ii) Cases of smuggling having wide ramifications or international connections.
- (iii) Important cases of Income-tax evasion.

1.26. The following are the various agencies in the Government which deal with the cases similar to those dealt with by Economic Offences Wing:

- (i) Director of Enforcement, Ministry of Finance.
- (ii) Director of Revenue Intelligence, Ministry of Finance.
- (iii) Central Excise and Customs Department, Ministry of Finance.
- (iv) Narcotics Commissioner, Ministry of Finance.
- (v) Director of Inspection (Income-tax), Ministry of Finance.
- (vi) Gold Controller, Ministry of Finance.
- (vii) Department of Company Affairs, Ministry of Industrial Development and Company Affairs.
- (viii) State Police CID (counterfeit currency and essential commodities).

C.B.I. thus enjoys concurrent jurisdiction with other enforcement agencies. It is stated that during the initial stages, there was no clear-cut demarcation between the types of cases which should be handled by the agencies under the Ministry of Finance dealing with the fiscal offences on the one hand and the Economic Offences Wing on the other. An attempt was made to lay down the sphere of activity of the Economic Offences Wing, for the first time, by Economic Offences Wing Standing Order No. 3/67 dated the 20th March, 1967, which, it is stated, was prepared "in consultation with the Secretary, Ministry of Finance, Joint Secretary, Coordination, Chairmen, Direct and Indirect Taxes and the Director (CBI)." The guidelines contained in this Standing Order are stated to have been further considered at a series of inter-Ministerial meetings during May, 1968 and "the jurisdiction that would be exercised by CBI in matters that come under the administrative control of the Finance Ministry was delineated."

Government have summarised the decisions taken at these meetings as follows:—

1. The main task of the Economic Offences Wing being an expert investigating agency will be to supplement the efforts and resources of the Department of Revenue in

the field of investigation and prosecution. Although the Economic Offences Wing will not set up agencies for collection of information, it will nonetheless take appropriate action on any information received by it. In particular, it will take up investigation in following types of cases:—

- (a) Cases involving more than one Department which would have to be handled by more than one enforcement agency under the Ministry of Finance.
- (b) Cases where organised gangs are involved.
- (c) Cases which are otherwise considered important or complicated for any other reason, say political.

Note: (1) Only selected cases under this category will be referred to or taken up by Economic Offences Wing. It is not the intention that all cases falling under this category should be handled by Economic Offences Wing.

(2) It is desirable that all cases which are referred to Economic Offences Wing for purpose of investigation should be reported to Economic Offences Wing as soon as possible as delay will defeat investigation.

(3) Except in respect of cases coming under (b) and (c) above, Economic Offences Wing will not investigate cases where the amount involved is less than Rs. 5 lakhs.

2. Normally, the Economic Offences Wing will take up cases referred to it by the Ministry of Finance or its enforcement agencies, but it is authorised to take cognizance of information received by it directly or in the course of any investigation it undertakes. However, before any overt action is taken, Economic Offences Wing will ordinarily discuss the matter with the appropriate enforcement agency of the Ministry of Finance, unless for want of time and need for taking immediate action, seizure had to be effected before such a discussion. If there is difference of opinion, the matter will be discussed with J.S. (Co-ordination) or the Secretary Finance, if necessary, for final decision.
3. Cases referred to the Economic Offences Wing by the State Police Units would also be handled as indicated above.



4. The Director of Revenue Intelligence would be looked upon as a common intelligence agency. Information received by the police agencies would be passed on to it at the appropriate time. The D.R.I. would be associated with important investigations conducted by the Economic Offences Wing for intelligence purposes. *Vice-Versa* the D.R.I. should furnish all necessary information to the Economic Offences Wing for purposes of processing investigation to its logical conclusion.
5. The assistance of suitable officers of the enforcement agencies of the Ministry of Finance would be made available to the Economic Offences Wing during investigations in mutual consultation.
6. The Ministry would be kept informed of the work of the Economic Offences Wing through periodical and *ad hoc* reports as appropriate.
7. The Joint Director of the E.O.W. would maintain liaison with the heads of the different enforcement agencies and matters requiring Ministry's attention or decision would be referred to J.S. (Coord.).
8. Departmental adjudication by Customs authorities would be facilitated by Economic Offences Wing in cases under investigation by them.

1.27. Government have stated that during 1966, 1967 and 1968 (upto 31.10.1968) a total of 31 cases were registered by the Economic Offences Wing of the C.B.I. on references from the agencies of the Ministry of Finance while from 1966 to May, 1968, in all 59 cases were registered by them *suo motu* out of which at least 22 could have been investigated by the enforcement agencies under the Ministry of Finance. Explaining how the Economic Offences Wing of the CBI was *suo motu* registering cases for investigation in regard to matters coming under the jurisdiction of the various enforcement agencies of the Ministry of Finance prior to May, 1968 when the sphere of activity of the Economic Offences Wing was, for the first time, broadly defined, Ministry of Home Affairs have stated that all these cases were registered by the Economic Offences Wing in pursuance of the "charter of functions" laid down in the resolution of the Government setting up the Economic Offences Wing. As such, the Ministry maintain, it could not be stated that there had

been any unwarranted encroachment by the CBI into the field of activity of the enforcement agencies of the Ministry of Finance.

1.28. In reply to the question as to how are the differences of opinion in regard to the jurisdiction over a particular case between the officers of the CBI and of the Enforcement Agencies concerned resolved, it has been stated that in such cases an effort is made to resolve the differences by discussion between Deputy Inspector General, Economic Offences Wing/Food Offences Wing and the officers of the Ministry or Department concerned. If it is not resolved at that level, then the matter is taken up by the Director/Joint Director CBI with the Head of the Ministry or Department concerned. In view of the fact that more than one agency of the Government was concerned with the collection of information and investigation in regard to some offences, during evidence, some Members expressed the fear that there might be duplication of effort and overlapping resulting in some sort of rivalry complex between the different agencies. It was further pointed out during evidence that in the Resolution setting up the CBI, it has been provided that CBI would take up "important" and "serious" cases under certain Acts. Whether the case was "important" or "serious" could not but be a subjective decision and as such open to question. The representative of the CBI replied that the vagueness represented by the words "important" and "serious" was "dispelled in the guidelines."

1.29. The Committee hope that the arrangements arrived at between the Ministries of Home Affairs and Finance in regard to the sphere of activity of the Economic Offences Wing of the CBI *vis-a-vis* those of the enforcement agencies under the Ministry of Finance as a result of discussions held at a series of meetings in May, 1968, will lead to a harmonious and concerted approach in dealing with cases. The Committee would, however, like Government to keep a close watch on actual implementation of the arrangements by the parties so as to ensure its successful working.

1.30. The Committee note that notwithstanding the issue of Standing Order No. 3/67 regarding the sphere of work of the Economic Offences Wing in consultation with the Ministry of Finance, differences continued to occur between the CBI and the enforcement agencies under the Ministry of Finance. They feel that the possibility of difference of opinion in regard to individual cases is inherent under the existing arrangements. The only way

to avoid conflict of jurisdiction and duplication of effort would be for the Government to lay down precisely, in consultation with each of the Ministries concerned, the jurisdiction of the CBI *vis-a-vis* that of the enforcement agencies under those Ministries, preferably in the proposed Bill on CBI so that they all act in concert and not in conflict with one another and do not develop a rivalry complex amongst themselves.

## CHAPTER II

### ORGANISATION

#### A. Set-up at Headquarters

##### *Relationship with Ministry of Home Affairs*

2.1 As stated earlier, the superintendence of the Special Police Establishments was transferred from the War/Defence Department to the Home Department (now the Ministry of Home Affairs) after the enactment of the Delhi Special Police Establishment Act, 1946. This arrangement continued even after the setting up of the Central Bureau of Investigation (C.B.I.) in 1963.

2.2 C.B.I. enjoys the position of an attached office of the Ministry of Home Affairs who are responsible for the overall supervision of the work of the C.B.I. and formulation of the policy of Government in relation thereto. Administrative matters relating to the C.B.I. are also attended to by the Ministry of Home Affairs. Budgetary provision for the expenses of the C.B.I. is made in the Budget of the expenses of the C.B.I. is made in the Budget of the Ministry of Home Affairs. Ministry of Home Affairs also provide the channel of communications in some matters between the C.B.I. and the State Governments for launching prosecution in C.B.I. cases in which the State Governments are the competent authority to give such consent, in the engagement of Special Counsel in C.B.I. cases, in filing appeals and revision petitions against the judgments of lower courts in C.B.I. and in getting the consent of the State Governments for extending the jurisdiction and powers of the Special Police Establishment under the Delhi Special Police Establishment Act, 1946, to investigate specified offences under the various Central/State Acts.

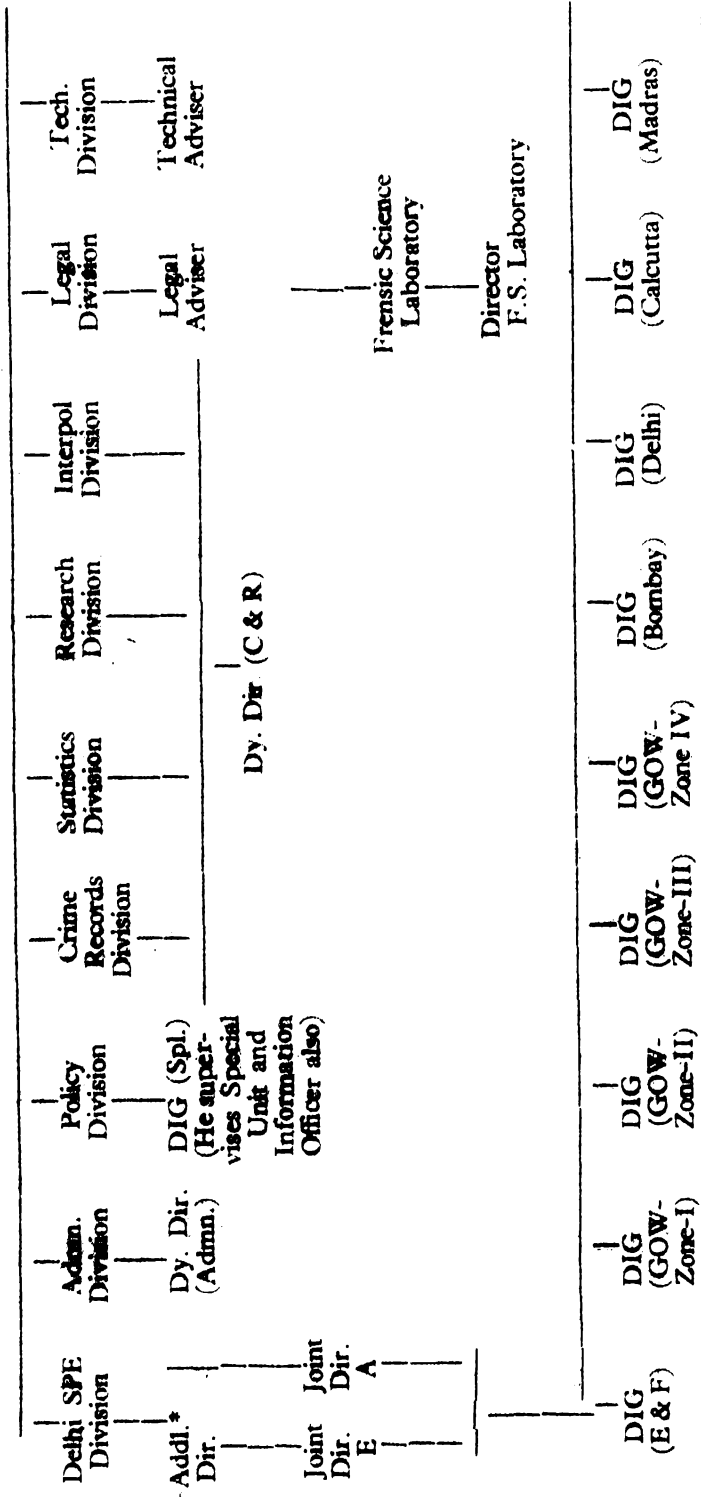
According to Government the internal functions of the C.B.I. including the manner in which the C.B.I. should conduct its investigations and prosecutions are determined by the Director of the C.B.I.

##### *Organisation Chart*

2.3. The following chart shows the organisational structure of the C.B.I.

Organisational Chart of CBI

Director



\*The post of Additional Director for the Food Offences Wing was abolished w.e.f. 30-7-1968. A new post of Additional Director has been created w.e.f. 31-10-1968 for the Delhi SPE Division as a whole and the new Additional Director has taken over charge on 5-12-1968. Special Unit and the Policy Division under DIG (Special) and Technical Division under Technical Adviser have also, in addition to the Delhi SPE Division, been placed directly under Additional Director.

*Divisions of the C.B.I.*

2.4. Ministry of Home Affairs Resolution dated the 1st April, 1963 setting up the C.B.I. provided for the following six Divisions, namely:—

- (i) Investigation and Anti-Corruption Division (Delhi Special Police Establishment).
- (ii) Technical Division.
- (iii) Crime Records & Statistics Division.
- (iv) Research Division.
- (v) Legal and General Division.
- (vi) Administration Division.

After the setting up of the Economic Offences Wing in 1964, the nomenclature of the "Investigation and Anti-Corruption Division" was changed to "Delhi Special Police Establishment Division". The new Division comprised of two Wings: General Offences Wing and Economic Offences Wing. Another Wing, namely, Food Offences Wing, was added to the Division in August, 1964. With effect from 24th February, 1965, the name of "Legal and General Division" was also changed as "Legal and Policy Division". Later, with effect from 18th October, 1965, the Division was bifurcated into Legal Division and Policy Division "for the sake of their efficient functioning" and "in order to enable proper attention to be paid to matters affecting the programme of work, and with a view to have a separate section to deal with legal matters, proposals for legislation etc.". Similarly, the "Crime Records and Statistics Division" was bifurcated into "Crime Records Division" and "Statistics Division".

The reason given is:

"While forming the Crime Records Division it was contemplated that the work relating to the statistics will also be performed in this Division. However, as the work developed it was found that the statistical work was entirely distinct in nature. There was no advantage in keeping together the Crime Records, which was intended to maintain and classify the records of inter-State criminals identifiable property, etc. and the Statistics Division, which devoted itself to crime statistics region-wise, their increase or decrease, etc."

The Interpol Division is another addition. This was set up with effect from 1st January, 1967 when this work was transferred from the Intelligence Bureau to the C.B.I. Thus, the C.B.I., at present,

comprises of the following 9 Divisions:—

1. Delhi SPE Division,
2. Legal Division,
3. Policy Division,
4. Technical Division,
5. Crime Records Division,
6. Statistics Division,
7. Research Division,
8. Interpol Division, and
9. Administration Division.

Although, designated as separate 'Divisions', the 'Statistics Division', 'Crime Records Division' and 'Research Division' have, for administrative convenience, been grouped together and are referred to as 'C & R Division' and brought under a common Deputy Inspector General.

### **B. Set up of Delhi Special Police Establishment Division**

#### *Organisation of the Delhi Special Police Establishment Division*

2.7 The Delhi Special Police Establishment Division is the sole agency concerned with the investigation of cases referred to or taken up by the C.B.I. Until recently, it was organised into three Wings: General Offences Wing, Economic Offences Wing, and Food Offences Wing. In July, 1968, Food Offences Wing was merged with the Economic Offences Wing.

#### *General Offences Wing*

2.8 On the General Offences Wing side, the Director C.B.I. is assisted by a Joint Director/Special Inspector General and 8 Deputy Inspectors General. This Wing has 21 Branches as follows: Central Investigation Agencies I and II and Fraud Squad I, each having all-India jurisdiction located at the Head Office in Delhi, a Special Unit at the Head Office in Delhi and 17 Branches located in different States. The jurisdiction of the Branches is generally co-extensive with the territories comprised in the respective States, jurisdiction over Union Territories being assigned to the Branches in the adjoining States (Appendix IV). The Special Unit at the Head Office is under the charge of a Deputy Inspector General, who also looks after the Policy Division. Each of the branches in the metropolitan cities of Delhi, Bombay, Calcutta and Madras are also under the charge of a Deputy Inspector General stationed at those

cities. The remaining branches are, for administrative convenience, grouped into the following 4 zones, each zone being under the charge of a Deputy Inspector General at the Head Office:—

- Zone I : Fraud Squad-I, Central Investigating Agency-I, and Central Investigating Agency-II.
- Zone II : Ahmedabad, Ambala (including Simla), Jammu and Kashmir and Jaipur.
- Zone III : Bhubaneswar, Lucknow, Patna, Ranchi and Shillong.
- Zone IV : Bangalore, Jabalpur, Hyderabad and Ernakulam.

2.9 The Branches of the Delhi Special Police Establishment Division of the C.B.I. are truly "the King pin of the whole organisation". They collect intelligence relating to corruption in Central Government Departments and also investigate and prosecute cases. Each Branch is a self-contained unit under the supervision of one or more Superintendents of Police with its investigating, prosecuting and office staff.

#### *Economic Offences Wing*

2.10. As stated earlier, the Economic Offences Wing was set up under the Ministry of Home Affairs Resolution No. 24/66/64-AVD, dated the 29th June, 1964. This Wing works the overall direction and supervision of the Director, Central Bureau of Investigation, who is assisted by a Joint Director/Special Inspector General of Police and a Deputy Inspector General of Police\*. This Wing has four branches, one each at Delhi, Bombay, Calcutta and Madras. In addition, there is a Fraud Squad II situated at Delhi with all-India jurisdiction. Each branch is under the charge of a Superintendent of Police. The Deputy Inspector General stationed at Delhi, Bombay, Calcutta and Madras supervise the work of the Economic Offences Wing Branches also, in addition to that of the General Offences Wing Branches located in the respective cities.

#### *Food Offences Wing*

2.11. This Wing was set up in September, 1964. Prior to July, 1968 when the Food Offences Wing was merged with the Economic

---

\*There is no separate post of DIG for Economic Offences Wing. One post of DIG is sanctioned for the Food Offences Wing and the incumbent of that post designated as DIG (E&F) who looks after the work relating to Economic Offences Wing as well as Food Offences Wing at the Headquarters.



Offences Wing, this Wing was being looked after by the Director, C.B.I. with the assistance of an Additional Director/Special Inspector General and a Deputy Inspector General at the Headquarters. The Wing had 15 Branches. After the merger, the post of Additional Director was abolished\* and the supervision of the remnant organisation has passed over to the Joint Director incharge of the Economic Offences Wing.

*Difference in procedure of setting up the Economic Offences Wing and Food Offences Wing*

2.12. It was noticed that while the Economic Offences Wing of the Delhi Special Police Establishment was set up in July, 1964 by a Resolution of the Government, no such Resolution was issued by the Government at the time of setting up the Food Offences Wing in September, 1964. The representative of the Ministry was during evidence asked to state why different procedures were followed for setting up the two Wings. In reply he stated: "This Food Offences Wing was set up to meet the immediate need and it was not clear how long it will last. Its continuance was reviewed year after year. So, it was not felt that a Resolution should be passed to set up this Wing because it might get merged any time." He further explained that the Economic Offences Wing was set up by a Resolution because it was in the nature of an enforcement agency with powers of investigation and prosecution which were co-extensive with those of the enforcement wings of certain other Ministries|Departments. The Food Offences Wing was, on the other hand, a "cell" whose "main task as was visualised was to collect intelligence and convey the same to the appropriate authorities. It was not investigating and charging cases by itself."

Government have furnished a Review of the performance of the Food Offences Wing made in 1968, a study of which reveals that the Food Offences Wing had not merely confined itself to collection of intelligence but had also been conducting raids and investigating and prosecuting cases.

2.13. The Committee are not convinced by the reasons advanced for following different procedures for setting up the Economic Offences Wing and the Food Offences Wing of the Delhi Special Police Establishment Division. They note that Food Offences Wing, like the Economic Offences Wing, had also been investigating and

---

\*The post of additional Director for the Food Offences Wing was abolished with effect from 1.8.1968. A new post of Additional Director has been created with effect from 31.10.1968 for the Delhi Special Police Establishment Division as a whole and the new Additional Director has taken over charge on 5th December, 1968.

prosecuting cases, though on a restricted scale. They consider that in the case of the Food Offences Wing also, Government should have issued a Resolution laying down precisely the objectives, functions and jurisdiction of this Wing for the information of the public.

### C. Other Functional Units

#### *Functions of other Units*

2.14. The Committee have been informed of the detailed functions of the various Divisions of the CBI. These are listed, Division-wise, in Appendix V.

2.15. It would be noticed from this list that there is considerable over-lapping in the functions assigned to the various non-Investigating Divisions. A few cases of overlapping of functions as between different Divisions were specifically brought to the notice of the Government. Government have in a written reply attempted to explain these.

To quote an instance, "coordination of laws relating to crime in various States" is, at present, the concern of the Research Division as well as Legal Division. It is stated that the initial processing of proposals for amendments to laws is done by the Research Division and after the Research Division has taken a final decision, the legal implications of the proposals are reassessed in the Legal Division and then on the basis of its advice, communications are sent to State Governments. All inter-State Conferences and conventions of police officers are handled by the Research Division with the solitary exception of the biennial inter-State Conference relating to vigilance and anti-corruption work which is being handled by the Policy Division. Compilation of Annual Report of the CBI and bringing out the CBI Gazette on the basis of material collected from the various Divisions of the CBI, which is more of a house keeping job and has nothing to do with policy making, is the concern of the Policy Division. Studies of "all India trends in thefts, losses and recoveries of fire arms and ammunition and note forgery and counterfeit coining" are being made simultaneously by 3 Divisions, namely, Crime Records Division, Statistics Division and Research Division from different angles. A distinction is sought to be made between the work of the Statistics or Crime Records Division and the Research Division by stating that while the former two are continually collecting and analysing information about certain items of crime, criminals and property, the Research Division is concerned with special studies of problems or subjects referred to it. Interpol Division maintains liaison with the International Criminal Police

Organisation but crime statistics, general or specific, are supplied to the International Criminal Police Organisation by the Statistics Division.

2.16. Government was asked to state whether any study or review of the organisational set up of the CBI and the need for the various Divisions was made at any stage. They have in reply stated that the proposals for setting up of the CBI were based on a study of the pattern of various organisations like the Federal Bureau of Investigation and the Scotland Yard and of the purposes for which CBI was being set up. They have also stated that a review of the set up of the various Divisions of the CBI and of their functions was made last year and "it has been found necessary to continue these Divisions and to widen their scope and work."

2.17. The Committee suggest that early steps should be taken to rationalise the work of the various non-investigation Divisions of the CBI. In this connection, they would like to point out that, in building up the organisation of the CBI, undue reliance should not be placed on the organisational structure of the Federal Bureau of Investigation or Scotland Yard as the purposes and functions of these organisations are admittedly different from those of the CBI.

#### D. Budget Estimates and Expenditure

##### *Budget Estimates and Expenditure.*

2.18. The Budget Estimates of the CBI form part of the Budget Estimates of the Ministry of Home Affairs. The expenditure of the CBI is mostly on pay and allowances of the officers and staff and on contingencies for the maintenance of office. The estimates and expenditure of the Special Police Establishment/Central Bureau of Investigation during the last 7 years have been as follows:

Year	(In lakhs of rupees) Actual expenditure
<i>Delhi Special Police Establishment</i>	
1961-62	48.88
1962-63	50.94
<i>Central Bureau of Investigation</i>	
1963-64	54.83
1964-65	75.61
1965-66	100.22
1966-67	119.25
1967-68	134.30

It would be seen from the above figures that after the setting up of the CBI on 1-4-1963, the expenditure has increased by 264 per cent.

### E. Staff Strength

#### Staff Strength

2.19. A statement showing the sanctioned strength of staff of the Delhi Special Police Establishment as on 31.3.1963 i.e. immediately before the CBI was set up, and of the CBI as on 1st April, 1968 is at Appendix VI. The following facts emerge from the figures given in the statement:

- (a) Excluding the Forensic Science Laboratory, there has been an overall increase in the sanctioned strength from 1432 on 31-3-1963 to 2\*90 on 1.4.1968 an increase of 88 per cent. in 5 years.
- (b) The strength of police personnel of different categories has similarly increased from 984 to 1888 an increase of 92 per cent.
- (c) The number of posts of Deputy Director/Deputy Inspector General of Police and above have increased from 3 on 31.3.1963 to 15 on 1.4.1968.
- (d) Non-investigation Divisions of the CBI also have on their sanctioned strength. Police Officers and members of the police force (specially Constables and Head constables) where they have no executive or field work to perform.
- (e) Technical staff in the C & R Division consists of only one Statistical Officer and one Assistant Librarian. Apart from these, the C & R Division is manned by police personnel and ministerial staff.

2.20. The increase in staff strength since 1st April, 1963 the date when the CBI was set up, has to be viewed in the light of the increase in workload during the period. The out turn of the CBI during 1962 and 1967 has been as follows:

	<u>1962</u>	<u>1967</u>
(i) Informations collected . . . . .	1691	4506
(ii) Informations disposed of . . . . .	1754	4625
(iii) Complaints in writing and duly signed by genuine persons disposed of . . . . .	2143	4433
(iv) Registered Preliminary Enquiries disposed of . . . . .	641	1170
(v) Registered Regular Cases disposed of . . . . .	590	1197

### *O. & M/Work-Study*

2.21. The Ministry of Home Affairs were asked to state whether the CBI had any system of O & M, staff inspection or work-study to keep their organisation and work/methods under constant scrutiny from the point of view of economy and efficiency. They have stated that there is no system of O. & M./work-study; but the ministerial staff of the CBI Head Office, Ministry of Home affairs had been arranging occasional work-studies. Each Branch and each Section at the Head Office is, it is stated, inspected regularly by Superintendent of Police/Deputy Inspector General and other senior officers. The suggestions made in the inspection notes are received in the Policy Division and then appropriate action on these is taken. During evidence the representative of the Ministry was asked to state as to how, in the absence of any systematic O & M/Work-study, a proper scrutiny was made with a view to ensure that proposals for the creation of new posts in the Headquarters as well as in the Branches were justified. He stated that the CBI had a Yard-Stick Committee to go into the workload of the various ranks in the Branches of the CBI and to evolve a norm. After the norm recommended by the Committee was approved by the Ministry, it would be applied.

2.22. Giving the genesis of the Yard-Stick Committee, the representative of the Ministry stated that CBI had earlier accepted the norm as to how many investigations could be handled by an Investigating Officer in the Branches as well as in the Central Investigating Units at the Headquarters. Since the norms were laid down, there had been complaints from the field officers that the workload was heavy and needed to be revised. The Yard-Stick Committee was constituted for the purpose of going into this question.

2.23 Asked whether the staff strength and organisational set up of the CBI was ever examined by the Staff Inspection Unit of the Ministry of Finance, the representative of the Ministry of Finance stated that at one stage it was suggested that the Staff Inspection Unit might take up the CBI also but it was held that it was a technical organisation. He, however, assured that the Ministry of Finance "proposed to take it up further whether they (CBI) would like to create a Unit themselves or the Staff Inspection Unit should take it up."

2.24. The Committee recommend that the Staff Inspection Unit of the Ministry of Finance should independently make a special study of the workload of the CIB and the staff needed to handle the same.

2.25. They also recommend that the CBI should have a separate O&M Unit entrusted with the function of scrutinising all proposals for increase in staff, conducting studies in work procedures and periodically reviewing the performance of the various units of the CBI. The proposed O&M Unit should be headed by an officer of sufficiently high rank and be composed of personnel specially trained in O&M/Work Study. The CBI may for this purpose avail of the training facilities provided by the Ministry of Finance and other expert bodies in the field.

*Executive Staff in Non-investigation Division*

2.26. Police Officers and staff are sanctioned even for non-investigation Divisions of the CBI as follows:

(As on 1-4-1968)

	Adminis- tration Division	Legal Division	C&R Division	Policy Division
Dy. Dir/DIG . . . . .	1	..	1	1
ADAIG/SP . . . . .	..	..	3	1
Dy. S.P. . . . .	..	..	6	..
Inspector . . . . .	..	..	3	..
Sub <sup>2</sup> Inspector . . . . .	..	..	..	..
Assistant Sub-Inspector . . . . .	..	..	1	..
Head Constable . . . . .	3	..	2	..
Constable . . . . .	26	7	12	7

2.27. Asked why should it be necessary for the Police Officers and staff to be attached to the non-investigation Divisions where they have no field or executive work to perform, the representative of the Ministry during evidence gave the following reasons therefor:

- (a) There is the advantage of police personnel being subject to police discipline.
- (b) On grounds of secrecy and security it is better to have police officers incharge of these Divisions.
- (c) In the Crime & Research and Policy Divisions, it is necessary and desirable to have a person with police background because of the very nature of work involved.
- (d) The officer who deals with personnel administration of the CBI should have a police background.

### *Recruitment Rules*

2.28. It was noticed from the information supplied by the Ministry that in the case of following senior posts, recruitment rules have not been framed: Director, Joint Director, Additional Director, Legal Adviser, Administrative Officer and Section Officer. Asked why recruitment rules have not so far been framed even though the CBI had completed five years of its existence, the representative of the Ministry stated during evidence, that the rules for the post of Director, Additional Director and Joint Director had since been finalised and that they were being vetted by the Ministry of Law. As soon as cleared by that Ministry, they would be issued. He further stated that the delay in the issue of recruitment rules was not very material because officers of that level were always deputationist from the Indian Police Service.

**2.29. The Committee regret that even though the Delhi Special Police Establishment has been in existence for the last 26 years and the CBI for the last 6 years, it has not been possible to finalise the recruitment rules for all the posts in the CBI. The Committee recommend that recruitment rules in respect of all the posts in the CBI should be finalised and issued without delay.**

### *C. & R. Division*

2.30. C. & R. Division of the CBI is an amalgam of the Crime Records, Statistics and Research Divisions of the CBI. It is noticed that, except one statistical officer and one Assistant Librarian who could be presumed to be specially qualified, the entire C. & R. Division is manned by 28 members of the police staff (including 12 constables) and 32 ministerial and class IV staff. The representative of the Ministry was asked during evidence to state whether the police officers and staff of this Division possessed any special qualifications for research work. He stated that the Head of the Division, who was a Deputy Inspector General was sent abroad for training in Crime Records. He was a double graduate in physics. Apart from him, two other police officers had also received training in data processing. Asked why police officers were trained in data processing and whether a statistician could not have served the purpose, he stated that the selection for the posts in this Division had always been made on the basis of the aptitude, experience and contribution of the person in the field of research.

2.31. During evidence it was also pointed out to the representative of the CBI that the CBI publication entitled 'Murder' was a mere sociological study which could as well be done in an academic

institution or university. It was suggested that studies in the burning problems of modern times which affect the common man, such as, blackmarketing, adulteration of foodstuffs, smuggling etc. would have been more useful. Besides, what was required was studies in modern crime detection methods and not mere sociological studies. The representative of the CBI stated that the object of the study was not to go very deeply into the question but to stimulate research in the country for which guidelines were indicated in the study.

2.32. Government have set up in November, 1966 a Police Research Advisory Council to (i) to consider the policy and programmes of Police Research (ii) to give guidance in the coordination of Police Research in the country (iii) to render advice on points involving methodology and techniques of research, and (iv) to review the progress made in their work and to suggest further measures for effectively pursuing research programmes.

2.33. The composition of the Council is as follows:

*Chairman*

Director, Central Bureau of Investigation.

*Member*

- (1) Inspector General of Police Delhi.
- (2) (3). Inspectors General of Police of two States.
- (4) Director, Central Police Training College, Mount Abu.
- (5) Director, Indian Institute of Public Administration or his representative.
- (6) Head of the Department of Criminology in the Institute of Social Sciences in India.
- (7) & (8). Two eminent scholars of universities engaged in research relating to criminology or social science.

The Council has held three meetings so far.

2.34. The Committee recommend that subjects for research and studies by the CBI should be such as have a close bearing on the functions and activities of the C.B.I. and the research|study should not be merely of an academic character but should have an operational bias showing how modern crime detection methods could be applied in the area dealt with so that the research|study could be of



use to the CBI in tackling the problems that come in the way of performance of its duties.

2.35. The Committee also suggest that the Police Research Advisory Council should meet more often and at regular intervals, evaluate the researches|studies made by the CBI so far, select the subjects on which research|study should be undertaken by the CBI and lay down the purposes and direction of the research|study.

*Deputationist*

2.36. In the beginning, the Delhi Special Police Establishment had no cadre of their own and for their entire requirement, they were solely drawing upon the State Police Cadres. Gradually, State Governments came to find it more and more difficult to fill their own posts with good officers and became reluctant to spare officers for the Delhi Special Police Establishment. The Bakshi Tek Chand Committee (1949-52), considering the difficulties of the Delhi Special Police Establishment in obtaining the services of police officers from the States and also appreciating the difficulties of the Establishment in direct recruitment because of the requirement of training, observed that "a cautious expansion of the system of direct recruitment to the Special Police Establishment should be tried." The continuing difficulties in securing police officers on deputation from the State Cadres came to the notice of the Committee on the Prevention of Corruption (Santhanam Committee) also. In their Report presented in 1964, this Committee also reiterated that "in view of the continuing difficulty in securing the loan of the services of the officers belonging to the State Police Forces, the Special Police Establishment should be permitted to make direct recruitment from the open-market."

2.37. The representative of the Ministry stated during evidence that the question of having direct recruitment for the organisation and framing direct recruitment rules for the posts was taken up only after the organisation was made permanent in 1960.\* The recruitment rules were framed in 1963. Efforts have since been made by the CBI to build up cadres of their own. In the recruitment rules for the various ranks there is a provision for direct recruitment e.g., 20 per cent in the case of Deputy Superintendent of Police, 10 per cent in the case of Public Prosecutor, 15 per cent in the case of Inspector, 50 per cent in the case of Sub-Inspector and 30 per cent

---

\*Tek Chand Committee had in 1952 recommended: "...Delhi Special Police Establishment should not, for the present, be wound up. For how long it should be maintained is a question on which it is clearly impossible for us to express a definite opinion; and we imagine that Government will consider it from time to time, say once every three years."

in the case of Constable. In the cadres like Deputy Inspector General and Superintendent of Police also, promotion can be made of the non-deputationist staff up to a certain percentage. There is provision also for permanent absorption of deputationist officers in the CBI.

2.38. The recruitment rules framed for the various posts in the CBI lay down the following percentages for filling up the posts by promotion, by direct recruitment and by transfer/deputation:

Post	Promotion Per cent	Direct Recruit- ment Per cent	Transfer Deputa- tion Per cent
Deputy Director/Deputy Inspector General	15	..	85
Superintendent of Police/Assistant Inspector General	15	..	85
Deputy Superintendent of Police	20*	20	60*
Senior Public Prosecutor	50	..	50*
Public Prosecutor	50†	10†	40
Assistant Public Prosecutor	..	100†	..
Inspector	30†	15†	55
Sub-Inspector	20†	50†	30
Assistant Sub-Inspector	25	..	75
Head Constable	90†	..	10
Constable	..	30*	70*
Additional Legal Adviser	..	100	..
Deputy Legal Adviser	100*	..	..

2.39. It would be noted that the recruitment rules for the different categories of the staff of the CBI provide for deputation quota generally at a higher rate e.g. 85 per cent in the case of Deputy Inspector General and Assistant Inspector General, 75 per cent in the case of Assistant Sub-Inspector, 70 per cent in the case of Constables, 60 per cent in the case of Deputy Superintendent of Police and 55 per cent in the case of Inspector. Asked the reasons therefor, the representative of the CBI stated during evidence: "..... recruitment rules were recently amended to provide for direct recruitment in different cadres of the CBI. Provision has also been made for permanent absorption of deputationists. This has started

\*failing which by Direct Recruitment.

†failing which by Deputation/Transfer.

recently. Procedure for direct recruitment, promotion, etc., will be revised." The representative of the Ministry also stated that:

"Certainly a large element of deputationists would be necessary. That does not mean cent per cent deputation. When an organisation is permanent, it should have a fairly large percentage and growing percentage—not entirely—of people who are always available with the organisation and may not have to return to the States. Secondly, occasionally we do run into difficulties about getting adequate number of people from the States.."

Another point made by the representative of the CBI in favour of deputation was that for the posts in the CBI honest men and men of integrity were required. In the case of a deputationist, the moment it was found that he was not up to the mark, he could be sent back. If a person was taken on a permanent basis, it was very difficult to get rid of him even if he was found unfit for the job.

2.40 On the 1st April, 1968 the CBI (excluding the Forensic Science Laboratory) had, as against the actual strength of 2295, 1214 or more than half deputationists from State Cadres. The number of deputationists in some of the categories of posts was as follows:

	Actual strength	Number of deputationists (per cent)
Director . . . . .	1	1 or 100
Joint Director . . . . .	2	2 or 100
Additional Director . . . . .	1	1 or 100
Deputy Director . . . . .	11	10 or 91
Assistant Inspector General/Superintendent of Police . . . . .	38	34 or 89.5
Deputy Superintendent of Police . . . . .	103	63 or 61.2
Inspector . . . . .	269	237 or 88
Sub-Inspector . . . . .	127	51 or 40.2
Assistant Sub-Inspector . . . . .	59	39 or 66.1
Head Constable . . . . .	82	57 or 69.5
Constable . . . . .	877	669 or 76.3

2.41 The high percentage of deputationists in the cadre of Constables was particularly mentioned during evidence. Explaining the reasons therefor, the representative of the CBI stated that new

recruits had to be sent for training to the Police Training College and it took them two years to be fully trained before they were able to undertake police investigation. That, according to him, was a long process. Besides, if the integrity of a constable, who was on deputation, came under doubt he could be sent back to the State Government. He was of the view that taking officers and men on deputation was a good system.

#### *Procedure of taking persons on deputation*

2.42. Government was asked to state the procedure and convention in regard to taking officers on deputation from State Governments. They have described the procedure as follows:

State Governments or the Inspectors General of Police of the States are requested to send a panel of persons for appointments in various Units. The confidential reports of the officers nominated by the State Governments or the Inspectors General of Police are carefully examined. In case of those whose character rolls are found to be good, confidential enquiries are also made for appointment to the posts of Inspector and above. The officers are generally brought on deputation for a period of 5 years. In case, however, work and conduct of any officer proves to be unsatisfactory, action is taken to revert him to his parent State even before the completion of the term. In case of officers who are found suitable in the CBI and who have acquired experience of its working, the State Government is requested to extend their term of deputation. Thus, the officers who have acquired experience of the specialised work of the CBI and have done well are not lost to the organisation.

2.43. The Ministry were asked to furnish figures regarding the number of officers who have been on deputation for 5 years or more. According to the figures supplied, 86 police officers have been on deputation with the CBI for more than 10 years. This includes one Additional Director|Special Inspector General, one Joint Director|Special Inspector General, 7 Deputy Superintendents of Police and 16 Inspectors. The number of those who have been on deputation for a period between 5 years and 10 years is 211.

2.44. The representative of the Ministry was, during evidence, asked to state the difficulty in permanently absorbing in the cadre of CBI those officers whose services were considered valuable, instead of extending their period of deputation beyond 5 years. It

was pointed out to him that by permanently absorbing in the cadre of the CBI, it would be possible to save on the special pay and deputation allowance that had to be paid to officers who continued on deputation. The representative of the Ministry stated that in the case of officers belonging to Indian Police Service, the existing arrangements had to be continued because "there is no Central Cadre of the Indian Police Service". Besides, according to him, if States were required to send their officers to the CBI for good, "there will be further reluctance on the part of the States to spare them". On a point being made as to whether deputation for such a long period was absolutely necessary, he assured that the government would give that due attention.

2.45. The representative of the Ministry was further asked whether the CBI had a properly constituted Establishment Board/Committee to consider the relative merits of persons whose names were proposed by State Governments for deputation to the CBI or for considering the proposals for extension of the period of deputation. He answered that although the CBI did not have any Establishment Board, Deputy Director (Administration) along with Director concerned considered as to which of the officers should be taken on deputation and whether they should be retained or repatriated. The basis on which the officer's deputation was extended was the record of his work in the organisation during the last five years or for whatever period he was in the CBI on deputation which was judged from the character rolls etc. of the officers.

2.46. The Committee note that the percentage of posts filled up by deputation varies from 30 per cent in the case of Sub-Inspectors to 100 per cent in the case of Director|Additional Director|Joint Director. The Committee further note that recruitment has also been made directly to certain grades in the Central Bureau of Investigation. They suggest that the percentage for filling posts by deputation may be reviewed in the light of requirements at intervals of say 3 to 5 years.

2.47. The Committee also note that one of the main reasons advanced for taking persons on deputation is that they have field experience and can be reverted to the parent cadre if not found quite suited to the requirements of the organisation. By the same token, it would not be desirable to extend the deputation period of officers for unduly long periods as there is a risk of their developing a vested

interest. The Committee, therefore, suggest that the position regarding deputationists should be kept under review closely in the light of their performance.

2.48. The Committee consider that the existing arrangement for taking persons on deputation with the CBI or for extension of the term of their deputation needs to be improved. They recommend that CBI should have a properly constituted Establishment Board Committee to consider such cases with atleast one Member from the Ministry of Home Affairs.

## F. Training

### *Training Agreements*

2.49. CBI have the following arrangements for training of police personnel recruited directly:

Constables are trained with the local State Police initially and thereafter some training is given in the CBI Branches.

Sub-Inspectors are initially put through a training course of about one year at National Police Academy, Mount Abu. Thereafter they are trained with the State Police Organisation for about three months. This is followed by training in various Sections of the CBI Branches for about six months. They are then trained in actual investigation in Branches. The total period of training extends to about three years.

Deputy Superintendents of Police are put through an initial course of training at National Police Academy, Mount Abu, along with the Indian Police Service Probationers for about one year and thereafter with the State Police Organisations for about 9 months. After this, they are trained for another 4 months in CBI Branches. Thereafter, for some more time they are placed under training in the CBI Branches to learn actual work. The total period of training is thus about 3 years.

Public Prosecutors and Assistant Public Prosecutors are also trained in CBI Branches for a short period.

2.50. Apart from the above training programme for the new recruits, officers of the rank of Sub-Inspectors and above have to pass one or the other of the following training courses which are held in the CBI for the serving officers of the CBI as well as State Police Officers.

## I. Special Course in Crime Investigation for CBI and State Anti-Corruption Officers

Normally five courses of 6½ weeks each are now being held every year. This course is divided into two parts. In Part I, State Police Officers and CBI Officers are trained together for one month. In Part II, only CBI Officers are trained for another 15 days. After the training is over, the CBI trainees have to take an examination in the following papers:

(i) Law-I	} Part I of the Examination :
(ii) Law-II	
(iii) General-I and	
(iv) Practical	
(v) Law-III	} Part II of the Examination :
(vi) General-II	

Those who secure 45 per cent of marks, in aggregate, are declared passed. Those who secure 60 per cent and above are placed in 'A' Division and those securing 45 per cent and above upto 60 per cent. are placed in 'B' Division. Those who secure less than 45 per cent marks are declared as Failed. Rewards of Rs. 40 and 25 are being given to first two trainees securing 'A' Division. CBI Officers are given 3 chances to pass the examination. Non-deputationists who fail three times are barred from further promotion while deputationists who are unable to pass the examination even after availing of the 3 chances are reverted to their parent State.

## II. Company Law Training Courses

3 Courses of the duration of 7 days each are now being held every year. This course is for training the officers in Company Law and its administration.

## III. Study Courses for Economic Offences Wing Officers

This course is held once a year. Only CBI Officers working in Economic Offences Wing are trained in laws etc. of interest for Economic Offences Wing work.

## IV. Study Courses for Food Offences Wing Officers

This course is held once a year for CBI Officers. The course covers instruction in laws etc. of interest to Food Offences Wing. The course is of six days duration.

251. During evidence, the representative of the CBI stated that the officers of the rank of Superintendents of Police were trained

at the courses organised by the CBI and officers of superior status were sent abroad for training. He further stated that "the existing training arrangements are adequate."

2.52. According to the information supplied to the Committee in writing, of the 15 police officers of the rank of Deputy Inspector General and above, 2 have received training abroad; of the 42 Superintendents of Police only 11 have been trained while out of 109 Deputy Superintendents of Police only 48 have received training.

2.53 The Committee recommend that the course of training for police officers in the Economic Offences Wing of the Delhi Special Police Establishment Division of the CBI should have wider coverage of subjects and be of a longer duration. The Committee hope that curriculum for this course would be revised suitably in consultation with the appropriate agencies of the Ministry of Finance and other Ministries concerned.



## CHAPTER III

### METHODS OF WORK AND PUBLICITY

#### A. Methods of Work

##### *Method of work*

3.1. As stated earlier, the Branches of the Delhi Special Police Establishment Division of the Central Bureau of Investigation which are spread all over the country are the king-pin of the whole organisation. The functions of these Branches are: to examine and deal with 'Complaints' received by them, to collect 'Informations' about bribery and corruption, to undertake 'Preliminary Enquiries' or conduct investigation in 'Regular Cases'. Each of these functions is described below:

##### *Complaints*

3.2. One of the sources of information of the Central Bureau of Investigation is complaints received by them in writing. In accordance with Government's instructions issued in February, 1965, anonymous or pseudonymous complaints are generally filed or referred to Departments. Complaints duly signed by genuine persons and those of the anonymous or pseudonymous complaints where some other independent corroborating material is available, are examined by the CBI Branches with a view to deciding whether the complaint requires any action by the CBI. Complaints which do not concern the CBI e.g. those against State Government employees, are forwarded straightaway to the appropriate authorities concerned for disposal without making a reference to Head Office. Other complaints are examined to consider whether they require action by the CBI or should be referred to the departmental authorities concerned for disposal or should be filed. Complaints on which no action is called for on the part of the CBI are filed or passed on straightaway by the Branch itself to the Department concerned for disposal. Thus, some of the complaints may be filed, some may be referred to appropriate authorities concerned for disposal, some others may be referred to departmental authorities concerned for disposal while in the case of some it may be decided to undertake preliminary enquiry or investigation.

## **Informations**

3.3. Collection of information about bribery and corruption is one of the most important functions of the CBI. CBI has its own system of collection of intelligence. Government have stated that, as the ways in which bribes are demanded and accepted and corruption is practised differ from office to office, no general or uniform method of collecting information can serve the purpose. Initiative, planning, thoughtful approach, sustained and positive efforts are regarded necessary for successful collection of information. Officers of the CBI are, therefore, required to proceed in a systematic and determined way to find out:—

- (a) Where corruption is most prevalent;
- (b) What are the modes and forms of corruption;
- (c) Which categories of Government servants mostly indulge in corruption.

Then, under the guidance of the Superintendent of Police and, where possible and necessary, with the assistance of the Departmental Heads concerned, plans are made to take suitable action against the corrupt Government servants.

3.4. It is stated that in collecting information the following considerations are kept in view:—

- (a) Attention is mainly directed towards information relating to actual bribery and corruption.
- (b) More attention is paid to 'higher ranks' and to 'big corruption' in Government Departments, large public undertakings and Projects.
- (c) Petty cases in which results likely to be achieved would not be commensurate with the time and labour involved are also avoided.

Information collected through their own sources and agents are pursued by the CBI. Here again, some of the Informations may be dropped for lack of proof or substance, some may be referred to Departments while some others may be reserved for formal enquiry or investigation.

3.5. The "Complaints" received and 'Informations' collected by the CBI are duly entered in a register known as the "Complaints Register" being maintained by each of the Branches of the CBI.

*Preliminary Enquiries:*

3.6. An enquiry conducted on the basis of allegations contained in a complaint or information without registering a formal First Information Report under Section 154 Cr. P.C. is known as "Preliminary Enquiry". This is done in cases where it is not clear in the beginning if a cognizable offence has been committed. Although, no First Information Report is registered in such cases, with a view to keep track of such cases, CBI have a system of registration of these Enquiries also by what is known as the "Preliminary Enquiry Registration Report".

3.7. *Regular cases* are cases for investigation in which First Information Reports are registered by the CBI under the provisions of Section 154 C. P.C.

*Procedure in PEs and RCs*

3.8. Procedure for registration of a case by the Branches of the CBI and manner of reporting the results of investigation|enquiry have been described as follows:

- (i) Delhi Special Police Establishment Branches may register cases against non-Gazetted public servants and non-Commissioned Officers without obtaining orders from the Head Office. It is not necessary to obtain the orders from the Head Office in respect of cases involving private parties or other persons who are not public servants unless:
  - (a) a Member of Parliament or of any State Legislature is involved or suspected; or
  - (b) any prominent person holding an important position or status in public life is involved or suspected; or
  - (c) in any other case of importance or seriousness, the Superintendent of Police himself considers it appropriate to obtain orders from Head Office for any particular reason.
- (ii) In respect of offences relating to Imports and Exports (whether under the Indian Penal Code or under the Import and Export Control Act and|or Regulation it is not necessary for the Superintendent of Police incharge of the Branch to obtain orders from the Head Office before registering a Preliminary Enquiry or Regular case unless a

Gazetted Officer or a big business firm is involved or suspected or unless persons mentioned above are involved. Cases of this nature are, however, normally taken up by the CBI at the instance of Import and Export Control authorities.

- (iii) In all other cases, *viz.*, cases against Gazetted and Commissioned Officers, etc., orders of the Head Office are necessary for registration of a Preliminary Enquiry or Regular Case. Copies of all complaints in such cases which are worthy of attention are forwarded to the Head Office for orders and while doing so, Branch Superintendents of Police give their views and suggestions about their disposal.
- (iv) Whenever enquiries are started on a Preliminary Enquiry or Regular Case against a public servant, the Head Office or the Department concerned is generally taken into confidence before starting the enquiry or as soon thereafter as may be possible according to the circumstances of each case.
- (v) As soon as enquiry|investigation is completed, the investigating Officer prepares a Final Report in the prescribed form and submits it to the Superintendent of Police in-charge of the Branch. The Final Report shows the result of enquiries made and suggested further course of action. It is a confidential document and its primary object is to inform superior officers of the developments with a view to judge the merits and demerits of the case and facilitate the passing of the orders thereon. Superintendents of Police are authorised to pass final orders in cases relating to non-gazetted servants and non-commissioned officers. In cases involving gazetted and commissioned officers, the Final Reports are sent to the Head Office for orders regarding further disposal of the case.
- (vi) Reports giving the results of enquiries|investigations are required to be sent to Ministries or other departmental authorities for the following reasons and purposes:
  - (a) For getting sanction for prosecution;
  - (b) for filing a complaint against a person *e.g.* under Section 195 Cr. P.C. or Sections of Import and Export Control Act, 1947 etc.;

- (c) for taking Regular Departmental Action;
- (d) for information and such action as may be considered appropriate;
- (e) for information only.

Commonly called S.P's Reports, these are self-contained documents in which various issues are fully discussed. A copy of this Report is sent in each case to the administrative department|Ministry of the accused persons to enable them to take further action.

- (vii) In cases against Gazetted Officers and Commissioned Officers etc. which are enquired into by the CBI, a copy of S.P's Report together with other relevant documents is also sent to the Central Vigilance Commission for advice to the administrative Ministry|Department concerned on the course of further action to be taken. According to the directive of the Central Vigilance Commission, comments of the Ministry|Department are required to be furnished to the Commission not later than 14 days from the receipt of the Report. After considering the Report of the CBI and other relevant records, if any, and also the comments, if any, received from the administrative Ministry|Department, the Commission gives advice to the Ministry|Department concerned as to further action to be taken.

*Special Procedure applicable in certain cases*

3.9. The Committee understand that in the case of the following it is necessary for the Superintendents of Police incharge of the Branches to obtain the orders of the Headquarters before a Preliminary Enquiry or Regular Case is registered by them:

- (a) a Member of Parliament or of any State Legislature;
- (b) any prominent person holding an important position or status in public life;
- (c) Gazetted officers;
- (d) Commissioned Officers;
- (e) any other case of importance or seriousness when the S.P. himself considers it appropriate to obtain orders from Headquarters for any particular reason.

In these cases, after the Preliminary Enquiry is made or the case is investigated, the Final Report of the Branch is also sent to the Headquarters for orders.

In respect of cases relating to Imports and Exports also, it is necessary for the Branches to obtain orders from the Headquarters before registering a Preliminary Enquiry or Regular Case if a big firm is involved or suspected.

3.10. The Ministry was asked to state the reasons for special procedures having been laid down for these categories. They have stated that prior to the declaration of Emergency in November, 1962, the Branches were required to obtain the orders of the Headquarters in all cases before a Preliminary Enquiry or Regular Case was registered by them. After the declaration of Emergency, it was thought that the work of the Delhi Special Police Establishment would increase. It was then decided that in case involving non-gazetted staff the power of registration of Preliminary Enquiries and Regular Case should be delegated to Superintendent of Police incharge of the Branch. Certain guidelines for the types of cases to be taken up have been laid down. A copy of First Information Report is received in the Head Office in all cases and if it is found that a particular case should not have been registered, the Superintendent of Police incharge of the Branch is informed accordingly. It is stated that, by such checks, it is ensured that the Branches take up right type of cases.

3.11. It was pointed out to the representative of the Ministry that the powers of the Superintendent of Police incharge of the Branch were very much circumscribed inasmuch as in certain cases, before registering a Preliminary Enquiry or Regular Case as well as after the enquiry/investigation, they were required to obtain the orders of the Head Office. He was asked to indicate the reasons for centralisation of powers in the Head Office in respect of those cases. The Director, CBI replied that "the distinction was made not for discrimination but for the purpose of ensuring that a more thorough investigation was made in such cases."

3.12. The Committee note that procedure for registration of cases has been rationalised recently and that references to Headquarters are now required to be made only in the cases of Members of Parliament or of State Legislatures, Gazetted Officers, Commissioned Officers, prominent persons etc. The Committee suggest that in the light of experience gathered in the registration of cases, suitable guidelines may be laid down. A watch should also be kept to ensure that such references received for registration of cases are expeditiously disposed of.

*Type of cases to be taken up.*

3.13. The Enquiry Committee on Special Police Establishment (1949—52) had made *inter alia* the following recommendation:

“The Special Police Establishment should concentrate its attention on really important cases and should not dissipate its energies and time in pursuing cases of minor irregularity or petty dishonesty. We understand that instructions on these lines have already been issued, and we trust that attention will continue to be devoted to compliance with these instructions. Successful prosecution in a comparatively small number of big and important cases makes a greater impression on other actual or potential wrongdoers than mere numbers of cases of major and minor importance sent up to Court. From the point of view of society also, the punishment of persons occupying important and responsible positions is both more satisfactory and more salutary than securing the conviction of a petty Assistant Station Master who has extorted a bribe of Rs. 5 from a consigner.”

It is stated that Government have accepted this recommendation and instructions have been issued to the Special Police Establishment Branches to “concentrate on really important cases and that they should not dissipate their energy on cases of minor importance.” The representative of the CBI also stated during evidence that guidelines have been laid down so that petty cases were not taken up. It is, however, noticed from the information given in the Annual Reports of the CBI that the Bureau is still handling petty and minor cases.

3.14. The Ministry was asked to give the break-up of the 2336 cases registered by CBI during 1967 according to the value of transactions involved. The information furnished by them is given below:

Rs. 1000 or less	1270 cases
Rs. 1000—10,000	406 cases
Rs. 10,000—50,000	204 cases
Rs. 50,000—Rs. one lakh	68 cases
More than Rs. one lakh	136 cases

It would be seen that more than half of the cases registered by the CBI during 1967 involved transactions of Rs. 1000 or less.

3.15. The Committee note that inspite of the recommendations of the Enquiry Committee on the Special Police Establishment (1949—52), and the instructions issued by Government in pursuance thereof, the CBI continue to engage themselves on trivial and petty cases. The Committee recommend that the instructions already issued by Government in this regard should be strictly followed to ensure that

the capacity and resources of the CBI, which are by no means unlimited, are available for exposing cases of magnitude and importance including any big corruption in high places.

## B. Publicity

### *Publicity*

3.16. As stated earlier, one of the sources of information of the CBI are the complaints received by them. According to the instructions in force at present, no notice is to be taken of the anonymous and pseudonymous complaints. A reference to the Annual Reports of the CBI, however, reveals that a few of them were found to merit further enquiry as some other independent corroborating material was available. Further, some of the complaints are in regard to matters which are outside the jurisdiction of the CBI e.g. complaints against State Government servants. Complaints on which no action is called for on the part of the CBI are filed or passed on straight-away by the Branch itself to the Department or authority concerned.

3.17. The representative of the Ministry was asked during evidence whether Government had made any effort to educate the public in regard to the organisation and functions of the CBI and the nature of complaints that would be acted upon by them. The Director, CBI stated that CBI had published brochures, giving detailed description as to the type of cases investigated by them, which were distributed among the public. There was also an Information Officer from the Ministry of Information and Broadcasting attached to the CBI who attended to the publicity side by maintaining liaison with the Press. He was giving monthly handouts to the Press wherein important cases handled by CBI were highlighted. CBI was also trying to get a film produced showing the activities of the CBI by the Films Division. CBI had also organised 'Crime Prevention Week' with the cooperation of the local police. In 1965, at the time of inaugurating the Vigilance and Anti-Corruption Programme, there was a radio discussion also.

3.18. The Committee feel that there is need for a more vigorous drive on the part of the Ministry of Home Affairs to publicise the functions of the CBI and the methods of their working so that common people could utilise the machinery provided by it for exposing and eradicating corruption and corrupt practices from public life. They also feel that CBI should produce their brochures, pamphlets and publicity material in the regional languages also for local distribution by the Branches. The CBI should also make greater use of the media of Radio, Film and the Press for publicising their activities.



**3.19. The Committee would also suggest that at the Branch level as well as at the Headquarters level, the CBI should arrange periodical meetings and hold discussions with representatives of the public at which suggestions for improving the working of the CBI may be invited and the cooperation of the public sought in mobilising opinion against corruption in public services.**

**CHAPTER IV**  
**PERFORMANCE OF CBI**

**A. Delhi S.P.E. Division**

*Performance of the Delhi SPE Division*

4.1. Government have furnished to the Committee statements indicating the volume of work handled by each of the three wings of the Delhi Special Police Establishment Division of the Central Bureau of Investigation, year-wise, since 1964. The figures given in the statements have been analysed as follows:

*Performance of the General Offences Wing of the Delhi Special Police Establishment Division of the Central Bureau of Investigation.*

INFORMATIONS

	1964	1965	1966	1967	Total
Informations requiring disposal.					
New Pending from previous year.	2882 367	3524 450	3534 627	3376 765	} 13683
	3249	3974	4161	4141	
Referred to Departments	702	894	820	960	3376
Dropped	783	892	978	1109	3762
Covered into cases	1308	1549	1582	1399	5838
Total disposed of	2793	3335	3380	3468	12976
Pending at the end of the year	456	639	781	673	
COMPLAINTS					
Complaints requiring disposal.					
New Pending from previous year	5480 395	4819 317	5941 290	6354 380	} 22989
	5875	5136	6231	6734	
Referred to Departments	3325	1932	1987	2189	9433
Dropped	1774	2427	3220	3538	10959
Covered into cases	449	486	644	555	2134
Total disposal of	5548	4845	5851	6282	22526
Pending at the end of the year	327	291	380	452	

	1964	1965	1966	1967	Total
<i>Preliminary Enquiries and Regular Cases</i>					
Registered P.E./R.C. requiring disposal					
} New Pending from previous year.	1955	2139	2316	2168	9309
	731	1047	1142	1288	
	2686	3186	3458	3456	
Sent up for trial	252	262	289	369	1172
Reported for Departmental Action.*	1232	1597	1693	1637	6159
Dropped	57	100	103	128	388
Otherwise disposed of transferred to local police	20	23	37	23	103
P.Es converted into R/Cs**	79	62	50	35	226
Total disposed of	1640	2044	3172	2192	8048
Pending at the end of the year	1046 or 39%	1142 or 36%	1287 or 37%	1269 or 37%	
average annual pendency 37%					

*Performance of Economic Offences Wing of the Delhi Special Police Establishment Division of the C.B.I.*

#### INFORMATIONS

	1964	1965	1966	1967	Total
Informations requiring disposal					
} New Pending Previous year.	4	201	305	254	764
	..	..	78	82	
	4	201	383	336	
Referred to Departments		58	136	68	262
Dropped		48	123	168	339
Converted into cases		24	42	44	110
Total disposed of		130	301	280	711
Pending at the end of the year	4	71	82	56	

\*Does not include cases also sent up for trial.

\*\*Does not include cases also reported for departmental action.

	1964	1965	1966	1967	Total	
<b>COMPLAINTS</b>						
Complaints requiring disposal	New	318	858	629	722	2550
	Pending from previous year.	27	41	158	93	
	<b>345</b>	<b>895</b>	<b>787</b>	<b>815</b>	<b>..</b>	
Referred to Departments	121	377	359	267	1124	
Dropped	19	280	270	427	996	
Converted into cases	123	111	68	60	362	
Total disposed of	263	768	697	754	2482	
Pending at the end of the year.	82	127	20	61		

<i>Preliminary Enquiries and Regular Cases</i>						
Registered P./E. R. C. requiring disposal	New	135	168	114	144	638
	Pending from previous year.	77	91	197	180	
	<b>212</b>	<b>259</b>	<b>311</b>	<b>324</b>	<b>..</b>	
Sent up for trial	37	22	45	99	204	
Reported for Departmental Action*	64	27	57	45	193	
Dropped	16	11	24	5	56	
Otherwise *disposed of/transferred to local police	4	1	5	6	16	
P.E.'s converted into R. Cs.	1	..	..	..	1	
Total disposed of	122	61	132	155	470	
Pending at the end of the year.	92	198	179	173**		
	or 42%	or 76%	or 58%	or 53%		

Average annual pendency—57%<sup>1</sup>

*Performance of the Food Offences Wing of the Delhi Special Police Establishment Division of the C.B.I.*

**INFORMATIONS**

	1964	1965	1966	1967	Total
Informations requiring disposal.	New	..	106	876	184
	Pending from previous year.	..	106	19	
	<b>Nil.</b>	<b>Nil.</b>	<b>108</b>	<b>895</b>	

\*Does not include cases sent up for trial.

\*\*Including 4 cases also reported for departmental action.

2 At the time of factual verifications, the Ministry of Home Affairs have furnished revised figures regarding the performance of the Food Offences Wing. As these were materially different from those furnished earlier (which had also been revised once before), these have not been taken into account.

Referred to Departments	104	741	845
Dropped	2	51	53
Covered into cases	1	85	86
Total disposal of	107	877	984
Pending at the end of the year.	1	18	

## COMPLAINTS

Complaints requiring disposal.	} New Pending from last year.	4	26	148	} 178
		..	..	4	
		Nil.	4	26	152
Referred to Departments		3	13	24	40
Dropped		1	9	117	127
Converted into cases				3	3
Total disposal of		4	22	144	170
Pending at the end of the year			4	8	

*Preliminary Enquiries and Regular Cases*

Registered P. E./ R. C. requiring disposal.	} New Pending from the Previous year.	7	1	36	24	} 68
		..	..	..	35	
		7	1	36	59	
Sent up for trail		7	1		10	18
Reported for					9	9
Departmental Action Dropped				2	9	11
Otherwise disposed of/transferred to local police					1	1
P.Es. converted into R.Cs.				..	..	..
Total disposed of		7	1	2	29	39
Pending at the end of the year.				34	30	

4.2. The Committee are of the opinion that adequate arrangements for collection of intelligence relating to corrupt practices in various Ministries|Departments|Public Undertakings would not only lead to a greater detection of cases of corruption but would also enable the Central Bureau of Investigation in many cases to pass on information to the concerned authorities which might prevent loss to Government. They feel that the work in the field of collections of intelligence should be intensified. They would therefore like that arrangements for collection of intelligence should be strengthened by deployment of staff commensurate with the work load and due importance attached to this function of the Central Bureau of Investigation.

The Committee need hardly stress that in the matter of collection of intelligence there should be close corrodination between the Central Bureau of Investigation and Steel Intelligence Departments.

#### *Food Offences Wing*

4.3. The Food Offences Wing was set up in September, 1964 to iomplement and coordinate the work of the Central and State Authorities concerned with the enforcement of food laws. The duties of this Wing included maintenance of liaison with local units in the States, collection of intelligence, sending periodical Reports to Ministries and to take up cases entrusted to it by the States for investigation.

The initial organisation of the Wing consisted of 29 members of the staff including one Additional Director and Special Inspector General of Police, one Deputy Director and one Assistant Director at the Head office and 189 members of the staff for 15 Branches. The strength of this Wing is stated to have been reduced once in June, 1967 and again in July, 1968. After the second reduction, the Food Offences Wing was merged with the Economic Offences Wing. The sanctioned strength of this Wing as on 20th May, 1965 and 1st September, 1968 and actual strength as on 1st November, 1968 have been as follows:

	Sanctioned Strength as on 20-5-1965	Sanctioned Strength as on 1-9-1968	Actual Strength as on 1-11-1968
Executive	180	57	36
Ministerial	38	13	12
	218	70	58

### Performance of the F.O.W.

4.4. It would be seen from the details given in para 4.1 that the performance of the Food Offences Wing has been extremely poor during 1965 and 1966. Even during 1967, except for the 'Informations' collected and disposed of, the output of this wing has been far from adequate. It would be interesting to compare its performance with that of the Economic Offences Wing which was set up only a couple of months earlier and had an initial sanctioned strength of 154 Executive Staff as against 186 of the Food Offences Wing:

	1964		1965		1966		1967	
	BOW	FOW	BOW	FOW	EOW	FGW	EOW	FGW
Informations collected.	4	Nil.	201	Nil.	305	106	254	876
Informations disposed of.		Nil.	130	Nil.	301	107	280	877
Complaints disposed off	263	Nil.	768	4	697	22	754	144
PEs/RCs disposed of	122	7	61	1	132	2	155	29

4.5. The Ministry was asked to state as to how they justified the creation of this Wing when it could not be fed with enough work and after 4 years of near dormancy had ultimately to be merged with Economic Offences Wing. The representative of the Ministry giving the genesis of the Wing during evidence stated that matter was "considered by the Home Minister about July or August, 1964 and it was felt that, in the situation then prevailing when there was increase in blackmarketing and smuggling and increase in price of foodgrains a small cell should be set up particularly for collection of intelligence and conveying this intelligence to the State Administrations and to the Food Ministry." Asked whether the States were consulted in the matter, he answered in the negative saying that it was about the transition period (Zonal system having come in force in October, 1964) and the whole system of food control was taking shape just then. In a subsequent written reply, the Government have reiterated this position thus:—

"The Food Offences Wing was created for the limited purpose of collecting intelligence regarding hoarding, black-marketing, smuggling and profiteering and passing it on to the Special Units set up in the States for action. Food Offences Wing was asked to take up cases of hoarding and smuggling with inter-State ramifications. The other function given to the Food Offences Wing was to coordinate and consolidate the reviews of work done by the State Special

Units and received in the Food Offences Wing. The strength of Food Offences Wing has since been reduced and the scope of its functions narrowed down. It now takes up cases of the following type:—

- (i) Investigation of only those cases relating to food which have inter-State ramifications and which are referred to it either by a State Government or by the Central Government.
- (ii) Consolidation of reports received from the State Police about the enforcement work done by them in enforcing the food laws; and
- (iii) Undertaking special enquiries on specific points relating to food which it may be asked to do either by the Ministry of Food or by the Ministry of Home Affairs."

#### *Review of F.O.W.*

4.6. The Ministry of Home Affairs have furnished a copy of the 'Review' of work done by the Food Offences Wing submitted to them on the 17th February, 1968. The 'Review' pointed out the following difficulties experienced by the Wing and pleaded that the work done by it had to be evaluated in the background of these difficulties:—

- (1) There was a delay of 9 months in sanctioning the staff for this Wing at the initial stage. Subsequent sanctions of staff for the Wing have also been issued for short periods at a time. The Wing, therefore, could not undertake any long term planning of its work. This also resulted in the Wing functioning with inadequate and inexperienced staff.
- (2) Members of staff of this Wing had to familiarize themselves with the special laws, rules and case laws thereon, which differed from State to State which was a task of some proportions.
- (3) Both the enforcements of the Food Laws and the maintenance of law and order are State subjects. Most deficit States were faced with a dilemma; the choice was between making enough food-grains available for the people and thereby averting situations threatening law and order and or enforcing Food Laws vigorously. By and large, they preferred the former course.
- (4) The position was aggravated by the uncertainty of the policy followed by different States which adversely affected the intensity of enforcement.



- (5) As regards offences of adulteration of food and drugs, the conduct of raids and drawing of samples could be undertaken only by the special staff qualified for the purpose. Food Offences Wing did not have such special staff. As such, it had to depend on special agencies for being fed with cases for investigation. No case was, however, referred to the Central Bureau of Investigation. Food Offences Wing by any such agency for investigation, except one case of manufacture of spurious drug.

4.7. The Committee find that, while the original idea was to set up a small cell particularly for collection of intelligence regarding hoarding, black-marketing, smuggling and profiteering and for passing it on to the State Police, what actually came to be set up was a full-fledged organisation called the Food Offences Wing having, apart from the set up at the Headquarters, 15 Branches located in the various States. Headed exclusively by an Additional Director of the rank of Special Inspector General, this Wing had an overall sanctioned executive staff strength of 180. It was thus conceived as an organisation almost as big as the Economic Offences Wing which had a sanctioned executive staff strength of 179 (as on 1-4-1968) and was headed by a Joint Director.

Notwithstanding the trappings of a full-fledged Wing, the performance of the Food Offences Wing had been, even in the sphere of collection of intelligence, unimpressive. The figures furnished to the Committee show no activity at all on the part of the Wing in this field during 1964 and 1965. The performance during 1966 also has been far from satisfactory. In the field of investigation, the performance of this Wing is still more disconcerting.

The Committee consider that the setting up of the Food Offences Wing was without any prior planning as regards the work required to be done by it. The reason advanced for the poor performance in the Review of the activities of this Wing made in early 1968 also corroborates this. The result was that after 4 years of a near dormant existence, the Wing had to be marked with the Economic Offences Wing. The Committee feel that if the Wing had been set up under a Government Resolution instead of by an executive order as was the case with the Economic Offences Wing, perhaps a greater amount of thought and scrutiny would have attended its creation.

The Committee hope that Government will learn a lesson from the unhappy experience in this regard and in future not set up organisations without adequate planning.

They also hope that the remnant staff of the erstwhile Food Offences Wing which is now a part of the Economic Offences Wing will now be gainfully employed.

## B. Annual Report

### *Classification of work done in the Annual Report*

4.8. It is seen that in the Annual Report the disposal of the Preliminary Enquiries and Regular Cases registered by the Central Bureau of Investigation is classified *inter alia* as follows:

PEs|RCs otherwise disposed of

PEs pending conversion into RCs

PEs|RCs ripe for being reported fo rdepartmental|suitable action

RCs ripe for prosecution.

The Ministry of Home Affairs have explained these classifications as follows:—

#### *PEs|RCs otherwise disposed of*

Cases which were closed on account of the following reasons:—

- (a) The suspect officers were convicted in some other case.
- (b) Departmental Enquiry started by the department on the basis of same allegations during the progress of enquiry.
- (c) Relevant records required for the purpose of enquiry| investigation had been requisitioned in the departmental enquiry against the suspect officers and were not available to the Special Police Establishment.
- (d) The suspect officers died while the case was under enquiry|investigation.
- (e) Local Police had already taken up enquiry|investigation of the case.
- (f) The suspect officers were discharged removed|dismissed or had resigned during enquiry|investigation.

#### *PEs pending conversion into RCs*

PEs in which decision had been taken to convert them into R.Cs. but in which actual registration of the RCs. had not yet been carried out at the close of the year.

*PEs|RCs ripe for being reported for departmental action|suitable action*

PEs|RCs in which decision had been taken to refer them to the Departments for taking departmental action|suitable action as deemed fit but which were pending at the close of the year with the Special Police Establishment|Central Bureau of Investigation for preparation of SP's Report, draft charges, etc.

*RCs ripe for prosecution*

RCs in which decision had been taken to launch prosecution but in which a charge sheet had not been filed by the end of the year.

4.9. The Ministry was further asked to state the reasons for a case registered with the Central Bureau of Investigation being regarded as "closed" in the following circumstances:

- (i) the suspect Officers convicted in some other case.
- (ii) a departmental enquiry has been started by the department on the basis of same allegations during the progress of enquiry.
- (iii) relevant records required for the purpose of enquiry|investigation have been requisitioned in the departmental enquiry against the suspect officers and are not available to the Special Police Establishment.
- (iv) the suspect officer has been discharged, removed or dismissed from service or has resigned.

They have stated that in the circumstances mentioned in (i), (ii) and (iv) a registered case would ordinarily be closed "because it would be infructuous to proceed further with the case." In the circumstances envisaged in (iii), according to them, the case would be "closed *pro tem*", but the investigation would be resumed as soon as relevant records were available.

It is stated that the grouping of these categories of cases under the omnibus heading: "otherwise disposed of" is being done "as a matter of administrative convenience" and that if all the categories are shown in the Annual Report separately, it will make the statement accompanying the Annual Report "unwieldy".

4.10. The Committee are of the view that the following categories of cases are really indicative of a certain stage of action by the Central Bureau of Investigation in regard to them being over:

- (i) PEs pending conversion into RCs.
- (ii) PEs/RCs ripe for being reported for Departmental action/suitable action.
- (iii) RCs ripe for prosecution.

In view of the fact that some action in regard to these categories of cases is still required on the part of the Central Bureau of Investigation, the Committee feel that it would be more appropriate to include these cases in the relevant statement of the Annual Report in the category of cases "pending at the end of the year."

4.11. The Committee consider that it is not appropriate to close a case registered with the Central Bureau of Investigation in the following circumstances if the cause of action is different for, after enquiry/investigation, the case may turn out to be fit for launching prosecution of the officers involved:

- (i) the suspect officer is convicted in some other case.
- (ii) the suspect officer has been discharged, removed or dismissed from service or has resigned.

4.12. They also consider that a case registered with the Central Bureau of Investigation should not be automatically closed if "a departmental enquiry has been started by the department on the basis of same allegations during the progress of enquiry." They feel that in such cases, Central Bureau of Investigation should examine whether the investigation of the case by them should have precedence over the departmental enquiry or not and take such action as may be deemed desirable in the light of such examination.

### C. Annual Programme of Work

#### *Programme of work for 1966.*

4.13. Central Bureau of Investigation have been preparing annual programme of Vigilance and Anti-Corruption work for implementation by certain selected Departments/Public Undertakings etc. It is noticed that the programme for 1966 prepared by the Central Bureau of Investigation was received in the Ministry of Home Affairs on 4th January, 1966 but the programme, as finally approved, was circulated to the Ministries concerned for implementation on 30th April, 1966. Asked to state the reasons for the delay in approval and circulation of the programme on the part of the Ministry of Home Affairs due to which the first 4 months of the annual programme were lost, the Ministry have in a written reply stated as follows:

"Home Minister wanted to discuss this at a meeting of the Secretaries Committee for vigilance work. Owing to his heavy preoccupations, Home Minister could not hold the meeting fixed for 25th January, 1966. In the meantime it was considered advisable to circulate the programme to the Secretaries concerned. This was done on 19th February, 1966. Home Minister could find time to hold the meeting only on 1st April, 1966. It took another month to finalise the programme in consultation with the Central Bureau of Investigation, after incorporating the changes suggested in the meeting held on 1st April, 1966."

The Ministry have further stated that the broad outlines of the programme had been intimated to the Superintendents of Police of Special Police Establishment and they had been asked to work in accordance with it in anticipation of the approval and circulation of the programme by the Ministry of Home Affairs.

**4.14. The Committee regret that the Ministry of Home Affairs should have taken a period of 4 months for approving the annual programme prepared by Central Bureau of Investigation for Vigilance and Anti-Corruption work during 1966 and in circulating the same to the Ministries concerned for implementation in cooperation with Central Bureau of Investigation. They hope that such abnormal delay will be avoided in future.**

*Programme of work for 1967 & 1968.*

**4.15. The programme of Vigilance and Anti-Corruption work for 1967 and 1968 has been virtually the same as for 1966. The programme enjoins action both on the part of the Ministries as well as the Central Bureau of Investigation in various fields. So far as the responsibility of the Central Bureau of Investigation is concerned, the programme *inter alia* includes the following:**

- (i) Preparation of lists of gazetted officers of doubtful integrity by the Central Bureau of Investigation in consultation with the Heads of Departments. Preparation of lists of officers of non-gazetted status of doubtful integrity by the Central Bureau of Investigation.
- (ii) Unobtrusive watch on the contacts, mode of living etc. of these officers by the Central Bureau of Investigation.
- (iii) Preparation of agreed lists of points and places where corruption is believed to exist in a substantial measure in the selected departments.

- (iv) Preparation of lists of unscrupulous contractors, suppliers, firms and clearing agents by the Departments concerned.
- (v) Preparation of lists of undesirable contactmen by the Central Bureau of Investigation.

*List of Officers of doubtful integrity*

4.16. Central Bureau of Investigation prepares a list of Gazetted Officers of doubtful integrity. Since names are included in the list in consultation with the Department concerned, the list is known as 'Agreed List'. The 'Agreed List' is prepared for taking the following action both by the Department etc. and the Central Bureau of Investigation:—

- (i) Closer and more frequent scrutiny and inspection of their work and performance by the Departments concerned, particularly in spheres where there is scope for discretion or for showing favours.
- (ii) Quiet check about their reputation both by the Department and the Central Bureau of Investigation.
- (iii) Unobtrusive watch of their contacts, style of living etc. by the Central Bureau of Investigation.
- (iv) Secret enquiries by the Central Bureau of Investigation about their assets and financial resources. The Department has to make available their property returns and other relevant records to the Central Bureau of Investigation.
- (v) Collection of information by the Central Bureau of Investigation of specific instances of bribery and corruption practices.

If these secret checks and enquiries reveal positive material, open enquiries are started by the Central Bureau of Investigation and further action taken in the light of the results of that enquiry. However, no adverse or punitive action is contemplated against any officer on the 'Agreed' list unless these checks, verifications or enquiries bring forth adequate material to reasonably conclude that he is lacking in integrity. These 'Agreed' lists remain in force for one year from the date of preparation. At the end of this period, the lists are reviewed and names of those officers against whom no specific information for registration of a P.E. or R.C. could be had, are deleted from the 'Agreed' list. The list is thus perpetual in character.

4.17. in respect of officers of non-gazetted status, such lists are prepared by the Central Bureau of Investigation Branches. Each of the Central Bureau of Investigation Branches has its own list of non-gazetted staff about whose integrity or honesty there are complaints, doubts or suspicions, but these are not 'Agreed' lists. These lists are maintained by Superintendents of Police of Special Police Establishment Branches of the Central Bureau of Investigation and by higher officers of the Central Bureau of Investigation.

4.18. It may be mentioned that the provision that the life of the 'Agreed List' would be one year at the end of which it would be reviewed and the names of those against whom there was not sufficient evidence to proceed against, would be deleted from the list, was made at the suggestion of the Secretaries Committee for Vigilance work which considered the annual programme for Vigilance and Anti-Corruption work for 1966 prepared by the Central Bureau of Investigation. However, during evidence, the representative of the Ministry clarified that if it was felt that the name of a particular officer should remain under watch for a period longer than one year, his name would be included in the List for the subsequent year. He further stated that names to be included in the 'Agreed List' are decided at a regular meeting between the Secretary or Chief Vigilance Officer of the Ministry/Department and the Joint Director/DIG, Central Bureau of Investigation. In reply to a question, he clarified that no disability of any kind was caused to a person by the mere inclusion of his name in the 'Agreed List'.

4.19. According to the information furnished by Government to the Committee, 'Agreed Lists' for 1968 have been prepared in respect of 15 Departments of the Central Government, 6 Union Territories and 30 public undertakings. Total number of officers under observation during 1967 was 576 and during 1968 their number was 547. Action taken against the officers on the 'Agreed List' for 1967 is reported as follows:—

(i) Proceeded against departmentally.	160
(ii) Proceeded against in courts.	11
(iii) Against whom PEs or RCs are under investigation.	15
	(including 3 officers proceeded against departmentally).

#### *List of Undeasrable Contactmen*

4.20. According to the Programme of Vigilance and Anti-Corruption Work, the Central Bureau of Investigation prepare lists of

unscrupulous contactmen who are suspected to be resorting to corrupt or irregular practices in their dealings with official agencies. The names of persons in these lists are communicated by the Central Bureau of Investigation to the Ministries/Departments and Public Undertakings concerned. These lists are compiled with the following objectives:—

- (a) The information contained in these lists is to be utilised when considering cases for accreditation of representatives of firms etc. Normally, such unscrupulous persons are not to be accepted as accredited representatives.
- (b) The Ministries/Departments and Public Undertakings concerned have issued instructions to their officers to be careful and cautious in dealing with unscrupulous contactmen whose names are on those lists. They are required to avoid associating with them socially and accepting entertainments and gifts from them.
- (c) The Central Bureau of Investigation exercises an unobtrusive check on the activities of such contactmen and tries to collect information about specific instances of malpractices in which they are involved.

4.21. The lists of undesirable contactmen are reviewed and revised after a period of 2 years by the Central Bureau of Investigation. Thus, the lists prepared during 1966 and 1967 are stated to have been reviewed on 1st August, 1968 and the revised lists circulated to the Chief Vigilance Officers of the Ministries/Departments concerned.

4.22. During evidence, the representative of the Central Bureau of Investigation stated that Central Bureau of Investigation "keeps a watch on some of these persons and information is collected whether they are contacting or entertaining officers. Such information is conveyed to the Ministries."

*Preparation of list of unscrupulous contractors etc.*

4.23. Under the Annual Programme, a list is required to be maintained of unscrupulous Contractors, Suppliers, Firms and Clearing Agents, who are suspected of indulging in corrupt practices. It is stated that these lists are prepared by the Department/Administration/Public Undertaking concerned "as they were in the best



position to do so." The purpose of preparing such a list is given as follows:—

- (i) For circulation by the Department etc. to their officers enjoining them to be careful and cautious in all dealings with such parties.
- (ii) Closer check and scrutiny by the Departments etc. of the requests or applications made by such parties and of the contracts for works or supplies awarded to, or executed by them and of any business or transaction undertaken by them.
- (iii) Quiet and unobtrusive watch to be kept by the Central Bureau of Investigation over the contacts of such parties in official circles.
- (iv) Collection of information by the CBI of specific instances of malpractices on the part of such parties with a view to starting open enquiries.

4.24. These lists are circulated by the CBI Head Office to the Special Police Establishment Branches "for keeping a watch on them and to pass on to the Departments, Undertakings or Administrations concerned any information regarding corrupt practices for their information and for consideration of further necessary action."

4.25. During the last 3 years, names of 1080 unscrupulous contractors, suppliers, firms and clearing agents have been reported by the Departments etc. for necessary watch.

4.26. During evidence, the representative of the CBI stated that the role of the CBI in keeping a watch over these contractors is limited to assisting the Departments concerned "as far as we can with the limited staff". Pressed further to specify the result of the watch, he admitted that CBI "have not been able to maintain a watch over all these contractors."

4.27. The Committee note that CBI have not been able to do much in discharging their responsibility for keeping a watch on undesirable contactmen or unscrupulous contractors, suppliers, firms and clearing agents who are suspected of indulging in corrupt practices because of the limited staff at their disposal. The Committee attach great importance to this part of their activity and recommend that CBI should have adequate machinery, trained manpower and resources for this purpose.

*Agreed list of points and places where corruption exists in substantial measure.*

4.28. 'Agreed' list of points and places where corruption is believed to exist in a substantial measure, have been prepared by the CBI in respect of all the selected Departments/Union Territories/Public Undertakings in consultation with the Heads of selected Departments/Offices/Undertakings concerned. The Departments etc. and Superintendents of Police of the CBI Branches are required to take the following action in this regard:

- (i) Closer and more frequent scrutiny and inspection by the Department or Public Undertaking of the work done at these points and places.
- (ii) Surprise checks by the Department or Undertaking.
- (iii) Quiet and unobtrusive watch by the CBI followed by raids as and when appropriate.
- (iv) Collection of information about specific instances of bribery and corrupt practices so as to start open enquiries.

So far as CBI was concerned, attention was directed to collection of intelligence regarding corrupt practices resorted to and the corrupt officials working at such places. Informations collected in respect of the selected Departments etc. have indicated as follows:

1966	3128
1967	3007
1968	1004

(Upto July).

4.29. It is stated that in pursuance of these suggestions, the Departments have been carrying out surprise checks and scrutiny at these points and places and on the basis of material disclosed by these checks, they have been taking appropriate remedial action. Government have furnished to the Committee a few illustrations of action taken by certain selected Departments to deal with corruption at the points of corruption.

*Appreciation Reports and Vigilance Schemes*

4.30. CBI have been undertaking each year the preparation of Appreciation Reports and Vigilance Schemes in respect of a few Departments of the Central Governments/Union Territories/Public

Undertakings. Appreciation Report of a Department or Public Undertaking is, it is stated, "a systematic study of their working from the point of view of corruption" while a Vigilance Scheme "contains suggestions for strengthening Vigilance Organisations for setting up Vigilance Committees and for ensuring closer liaison with Special Police Establishment." Clarifying further the distinction between the two types of studies in respect of a Department or Public Undertaking, the representative of the CBI stated during evidence:

"Appreciation Report gives a study of the set up of the organisation and the points and places in which corruption potential is high, modes of corruption and so on. Vigilance scheme enumerates the steps or actions to be taken to check those loopholes."

So far, Appreciation Reports have been prepared in respect of 15 Departments and 25 Public Undertakings. Reports in respect of 1 Department and 4 Public Undertakings were prepared during, 1967.

4.31. Vigilance Schemes have been prepared in respect of 2 Departments, all the Union Territories except Dadra and Nagar Haveli, and 20 Public Undertakings. Schemes in respect of one Union Territory, two Departments and 2 Public Undertakings were prepared during 1967. It has been stated that these schemes are not generally prepared for Departments except in special cases as the Departments have a Vigilance Cell or set up of their own. A list of sensitive Departments of the Central Government from the point of view of corruption has however, been prepared by the CBI and every year a few of these are taken up for preparation of Vigilance Schemes. It is intended to cover all the sensitive Departments "in a few years". As regards Public Undertakings, each year a select list of Public Undertakings is drawn up for special drive. 34 Public Undertakings have been selected for special drive during 1968.

4.32. The Ministry was asked to state whether the CBI kept track that the suggestions made in the Appreciation Reports and the Vigilance Schemes were accepted and implemented by the Departments etc. concerned. They have stated that Appreciation Reports and Vigilance Schemes are prepared by the CBI in consultation with the Department/Union Territories/Public Undertakings concerned. Copies of these Reports are sent to the CBI Branches concerned also. In this way, the CBI Branches keep track of the suggestions contained in the Appreciation Reports and Vigilance Schemes "to the extent possible". Further, during periodical meetings with Minis-

tries/Departments, the implementation of the suggestions made in Appreciation Reports/Vigilance Schemes is discussed.

4.33. In this connection, the Ministry have furnished to the Committee a Department/Public Undertaking-wise statement regarding the suggestions made in the Appreciation Reports. It indicates that almost all of the suggestions made by the CBI were accepted by the Departments/Public Undertakings concerned.

4.34. During evidence, the representative of the Ministry was asked to state whether, having located the sensitive areas where there was corruption potential, CBI also set their own machinery into action in those areas by way of supplementing and oversetting the Vigilance in the Ministry. In reply, the representative of the Central Bureau of Investigation stated:

“It is to a very limited extent.....the staff position is so unsatisfactory that they (CBI) are not able to keep a watch on all these points. The main purpose of the scheme is to keep such checks by the Department.”

4.35. The Committee find that, in respect of each selected Department/Public Undertaking, the C.B.I. is making three different types of studies, the objects of which are more or less the same, viz:—

- (i) a study of the points and places where corruption exists in substantial measures;
- (ii) an appreciation report which also contains *inter alia* the points and places of corruption;
- (iii) a vigilance scheme for plugging the loopholes.

Since all these studies are closely inter-related, the same ground has to be covered over and over again. The Committee therefore, recommend that the Ministry of Home Affairs should examine whether it is possible to combine these separate studies into a single comprehensive study so as to avoid possible duplication or overlapping.

## CHAPTER V

### DELAYS IN DISPOSAL OF CENTRAL BUREAU OF INVESTIGATION CASES

#### A. Delay in Investigation

##### *Delay in investigation of cases by CBI.*

5.1. According to the information furnished to the Committee, at the end of 1967, the number of registered cases (Preliminary Enquiries as well as Regular Cases) pending investigation or inquiry by Central Bureau of Investigation were 1507 as follows:—

General Offences Wing	1304
Economic Offences Wing	173
Food Offences Wing	30
	<hr/>
	1507
	<hr/>

5.2. The Ministry have furnished the break-up of the pending cases showing the period of their pendency as follows:—

##### Pending for—

(i) Less than 3 months	702
(ii) 3—6 months	407
(iii) 6—12 months	265
(iv) 12—18 months	89
(v) 18—24 months	23
(vi) 24—36 months	17£
(vii) More than 3 years	1**
	<hr/>
	1504*
	<hr/>

---

\*The remaining three cases, i.e. 3 Preliminary Enquiries which were converted into Regular Cases during the year 1967, had been disposed of as Regular Cases during the year 1967 itself.

£In 9 cases investigation was completed but the cases were pending for filing chargesheet in court.

\*\*In this case the investigation was completed long ago (within one year) and the matter has been referred to Attorney General and it is pending with him. (The final opinion of Attorney General has just been received).

5.3. It would be seen from the above statement that of the cases pending at the end of 1967, 53 were pending for 3 months or more, 26 were pending for 6 months or more, 130 cases were pending for more than one year while 18 cases were pending for more than 2 years. Out of the 130 cases pending for more than one year, only 35 are stated to have been pending for the following reasons which are beyond the control of Central Bureau of Investigation:

(1) due to difficulties in procurement of records	13
(2) due to non-availability of witnesses	11
(3) for want of the report of the Government Examiner of Questionable Documents	9
(4) for want of report of the Chief Technical Examiner	2

It has been stated that 35 cases out of 130 cases shown to be pending at the end of 1967 for the above specific reasons do not fully explain the position. The position at the close of the year is also, it is stated, not a correct index of the actual time losses caused to investigation on account of non-production of records etc. As an illustration it is pointed out that the above figures would not include cases wherein delays may have been caused by late receipt of such records or reports of experts which factors contributed towards delays in investigation during the year because on the crucial date (i.e. at the end of the year) they were not pending investigation for any of the above specific causes.

*Specific instances of delay in investigation by Branch.*

5.4. The Ministry was asked to furnish details in regard to cases ending at the end of 1967 for over 2 years and certain other cases where delays in investigation by Central Bureau of Investigation had come in for adverse comments by the Public Accounts Committee in their 41st, 48th, 50th & 54th Reports (Third Lok Sabha) and First Report (Fourth Lok Sabha). The following statement prepared from the details furnished by the Government in regard to these cases indicates the actual time taken in investigation of each

of such cases by the Branches of the Central Bureau of Investigation:

Sl. No.	Case No.	Date of Registration	Date on which Final Report of Branch SP received in Head Office	Time taken in initial investigation by Br. (Months)
1	RC 3/EOW/65-Delhi . . .	29-1-1965	5-2-1967	34
2	PE 10/65-Lucknow . . .	8-3-1965*	28-12-1967	33½
3	RC 11/65-CIAI . . .	22-10-1965	-5-1967	19
4	RC 14/66 DLI . . .	30-1-1966	2-7-1968	25
5	RC 18/EOW/65-Bombay . . .	26-7-1965	20-7-1967	23
6	RC 2/66-CIA II . . .	2-2-1966**	27-3-1967	14
7	RC 10/65-FSI . . .	22-7-1965	3-2-1967	19
8	RC 8/EOW/65-Delhi . . .	11-2-1965	11-8-1966	18
9	RC 3/EOW/65-Calcutta . . .	23-2-1965	10--1966	17½
10	RC 8/65-CIAI . . .	20-8-1965	7-2-1967	17½
11	RC 17/EOW/65-Bombay . . .	30-6-1965	5-12-1966	17
12	RC 22/66-CIAI . . .	1-12-1966	1-5-1968	17
13	RC 51/65-DLI . . .	31-7-1965	12-12-1966	16½
14	RC 9/65-Madras . . .	9-2-1965	14-6-1966	16
15	RC 9/66-CIAI . . .	20-5-1966§	10-8-1967	14½
16	RC 49/EOW/65-Delhi . . .	8-10-1965	16-12-1966	14½
17	RC 58/65-Bombay . . .	30-9-1965	28-5-1966	8
18	RC 31/EOW/65-Calcutta . . .	7-12-1965	10-1-1967	13
19	RC 22/EOW/65-Bombay . . .	28-8-1965	23-8-1966	12
20	RC 88/65-Hyderabad . . . RC 89/65-Hyderabad . . .	30-9-1965	8-8-1966	10½
21	RC 20/66-Bombay . . .	7-4-1966@	22-9-1966	5½

\*Earlier, Central Bureau of Investigation had taken about 1½ years to decide whether a Preliminary Enquiry should be registered.

\*\*Earlier Central Bureau of Investigation had taken about 3 months to decide that the case should be registered.

§ Earlier, Central Bureau of Investigation had taken about 2 months to decide whether the case should be registered.

@ Earlier, Central Bureau of Investigation had taken about 7 months to decide whether the case should be registered.

### *Measures taken to avoid delays*

5.5. The Ministry was asked to state the measures taken to remove the difficulties and minimise the delays in Special Police Establishment Branches. They have stated that measures to avoid delays have been repeatedly discussed at the Central Bureau of Investigation conferences and that the Superintendents of Police in-charge of the Branches have been requested to pay particular attention to the following points to ensure that no avoidable delay takes place in the finalisation of cases:

- “(i) It was stressed on the Superintendents of Police that in simple cases it should be possible to finalise them in a very short period. They were advised that at the time of registration of a case they should indicate to the Investigating Office the time that he should take to complete the investigation keeping in view the complexity or nature of the case. In simple cases this time should be considerably less than the limit prescribed and only in difficult cases should the maximum prescribed time for completion of investigations in Regular Cases be allowed.
- (ii) To avoid delays in getting documents a list of documents required should be drawn up by the Investigating Officer as soon as he takes up a case for investigation and then the department concerned should be requested to make over these documents.
- (iii) If any technical examination is required by experts like Chief Technical Examiner etc. a request for such examination should also be made at the early stages of the investigation.
- (iv) In cases of disproportionate assets if a declaration of assets is to be called for a request for it should be made immediately. If the declaration is not received within a reasonable time, say two months, and there is a suspicion that the delinquent officer is deliberately delaying the submission of statement in order to gain time to cover up the evidence relating to his assets, a search of the premises of the delinquent officer may be resorted to.
- (v) In case of disproportionate assets the request for pay particulars etc. should also be made immediately.
- (vi) In cases in which prosecution is ordered by Head Office the work relating to preparation of copies of documents and statements to be filed in the Court for being given to



the accused persons should be taken up immediately so that it may be possible to file these copies with the charge-sheet as soon as sanction for prosecution is received.

- (vii) When documents or pay particulars or technical opinion is not received within a reasonable time in spite of the efforts of the Superintendent of Police and his personal contact, wherever possible he should write about it to the Deputy Inspector General who will then take necessary action to get the documents etc. soon."

It has been further stated that in order to give impetus to the work of investigation, instructions have been issued to the Zonal Deputy Inspectors General that they should visit the Branches more often. During these periodical visits they are required to specially look into the following matters:—

- (a) Old pending Preliminary Enquiries and Regular Cases.
- (b) Important cases under investigation.
- (c) Cases pending trial for more than 3 years.
- (d) Vacancies.

Deputy Inspectors General have also been instructed to use these periodical visits for meeting Heads of the Departments/Public Undertakings etc.

#### *Delays at the Headquarter level*

5.6. Out of 1507 cases pending at the end of 1967, in 80 cases final investigation reports of the Branches/Units of the Central Bureau of Investigation had been received at the Head Quarters and were under consideration. The period of pendency of these cases at the Head-quarters has been indicated as follows:

Less than 3 months . . . . .	69 cases
between 3—5 months . . . . .	10 cases
between 6—12 months . . . . .	1 case
Total . . . . .	80 cases

#### *Check exercised by the Ministry of Home Affairs*

5.7. The representative of the Ministry was, during evidence, asked to state whether the Ministry of Home Affairs exercised any check over the pendency of cases with the Central Bureau of Investigation and if so, by what means. He replied that the Ministry were

getting periodical reports from the Central Bureau of Investigation. The Ministry of Home Affairs were later asked to state in writing as to what action was taken by the Ministry on receipt of the quarterly return. They have in a written reply stated as follows:—

“Central Bureau of Investigation’s quarterly returns showing the progress of investigation of cases was prescribed in 1965. The statement shows us at a glance the stage at which cases are pending and the period for which those cases are pending. The stages are those of enquiry/investigation by Central Bureau of Investigation, obtaining sanctions from Ministries/Departments for prosecution, regular departmental action by Ministries/Departments and trials in courts. The quarterly statement is accompanied by a note from the Central Bureau of Investigation which explains, in particular, the reasons of pendency of cases which are more than 2 years old. On receipt of this statement a comparative statement showing the pendency of cases during the last three quarters is prepared so as to find out whether pendency is increasing or decreasing at any particular stage.

The purpose of this quarterly return from the Central Bureau of Investigation is to keep the Ministry informed about the pendency of cases so that Government can satisfy itself that there are no avoidable delays and that cases are expeditiously disposed of. Personal discussions are held if necessary to expedite disposal.”

5.8. The Committee are unhappy to note the inordinately long time being taken by Central Bureau of Investigation both in investigation at the Branch level and in the processing of the Final Report of the Branch at the Head Office. The Committee appreciate that some of the delays may be partly due to circumstances beyond the control of the Central Bureau of Investigation. They nevertheless feel that the time taken in investigation at the Branch level can be reduced if adequate supervision and control are exercised at all levels. The instructions issued to the Zonal Deputy Inspectors General that they should visit the Branches more often seems hardly sufficient to meet the situation.

In this connection, the Committee would recommend that:—

- (i) Central Bureau of Investigation should have a fresh look at the existing work procedures with a view to further streamline them, if possible. Reasonable time limits should be laid down for investigation and legal scrutiny of

a case at the Branch level and the various stages involved in the processing of the Branch Final Report of the case at the level of the Deputy Inspector General, in the Legal Division and at other levels. The prescribed time limits should normally be adhered to. Where it is, for any reason, not possible to do so, extension of time should be applied for stating the reasons therefor and approved by the Deputy Inspector General concerned.

- (ii) The Zonal Deputy Inspectors General and Deputy Inspectors General incharge of the Branches in the metropolitan cities should be made personally responsible for the time taken in the investigation of cases by the Branches under them. The annual assessment of their work should be based on the quality and speed in different fields of activity maintained by the Branches under them. This should lead to stricter control and supervision by these officers over the work being handled in the Branches under them.
- (iii) There should be periodical meetings of the Director/Additional Director/Joint Director with each Zonal/Branch Deputy Inspector General, say once in two months, at which the progress of investigation of cases pending in the Branches under them for over one year should be reviewed. The Director/Additional Director/Joint Director should provide guidance and assistance to the Zonal/Branch Deputy Inspector General in removing the impediments to speedy investigation of such cases.
- (iv) Individual cases of delay in investigation for over one year should be reported to the Ministry of Home Affairs with reasons for the delay for their information.
- (v) Ministry of Home Affairs should take appropriate action if the delay in investigation exceeds 18 months.

*Causes of delay in investigation*

5.9. The Ministry were asked to state the difficulties that were being experienced by the Central Bureau of Investigation during investigations. The following are the major difficulties mentioned by them:

- (1) Delay in obtaining records.
- (2) Delay in getting opinion of experts.
- (3) Delay in procuring witnesses for recording their statements.
- (4) Shortage of staff.

### *Delay in obtaining records*

5.10. Delay in obtaining records is often cited as the cause of delay in investigations by the Central Bureau of Investigation. Sometimes, the records are needed by the Ministries for their current use and Central Bureau of Investigation has to wait for as long as even 6 months before the records are made available to them. The representative of the Ministry was asked to state whether it was not possible to make photostat copies of the records. He said that the Central Bureau of Investigation had such facilities but the photostat copies of records could be used only during investigations; in the court the original records had to be filed. Thus, the original records could not be dispensed with completely. Moreover, according to him, arrangements for making photostat copies were not available at all places. Further, according to him, Central Bureau of Investigation could not be oblivious of the administrative aspect and had to agree to the retention of the records by the Ministry concerned if they required it urgently. Asked how the Central Bureau of Investigation satisfied itself that the records were being withheld by the Ministry concerned for valid reasons, he stated that the Central Bureau of Investigation satisfied itself in that regard by holding meetings between the senior officers of the Central Bureau of Investigation and those of the Ministry.

It is stated that, in order to avoid any delay on the part of the Central Bureau of Investigation in procuring records, Superintendents of Police incharge of the Branches have been instructed that a list of documents required by the Investigating Officer should be drawn up by the as soon as the case is taken up for investigation and then the Department concerned should be requested to make over those documents. In cases the documents are not received within a reasonable time inspite of the efforts of the Superintendent of Police, he should according to instructions, write to the Deputy Inspector General of Police who would then take necessary action to get the documents. Asked to state whether any comprehensive checklist of documents required to be obtained or action required to be taken by an investigating officer in different types of cases had been prepared, Govt. have stated that instructions for investigation of various types of cases have been prepared which *inter alia* indicate the types of documents which have to be examined in each type of cases. It has, however, been pointed out that the list is not exhaustive and that, in individual cases, documents not listed in the instructions may have to be seized.

5.11. Among the steps taken by Govt. in this regard are the instructions issued by the Ministry of Home Affairs, that, except in the

case of Railways, the records should be made available to the Central Bureau of Investigation within a month; Railways could take two months. Further, necessary instructions have also been issued by the Auditor General for furnishing the requisite information within 30 days. Besides this, the Auditor General has also been requested to take steps for the appointment of a Liaison Officer in all Accountants General Offices to handle all requisition and to supply photostat machinery to Accountants General offices and Posts & Telegraphs Offices for expediting the supply of photostat copies of the documents required for investigation of cases. Undue delays in getting audited documents are now being personally looked into by the Deputy Inspectors General and are being brought to the notice of the Auditor General when necessary.

5.12. The Committee are unhappy that Central Bureau of Investigation should have occasion to complain that their investigations are often hampered because of the delay on the part of the Ministries/Departments in making available to them the relevant documents and papers. According to instructions issued by the Ministry of Home Affairs and the Auditor General, the documents should be made available to the Central Bureau of Investigation normally within one month. These instructions should be strictly followed by the Ministries etc. and the Accountants General. In case any particular document or a portion thereof is required by the Ministry etc. or the Audit Office concerned, the CBI should make arrangement to obtain photostat copies thereof so that investigation of the case is not held up on that account.

*Delays in getting opinions of technical experts*

5.13. Another reason which causes delay in investigation of the case by the Central Bureau of Investigation is delay in getting opinions of technical experts e.g. Report of valuation of disproportionate assets by Central Public Works Department. Report of technical examination of works by Chief Technical Examiner, opinion of Government Examiner of Questionable Document in regard to questionable documents, result of analysis and tests by Alipur Test House. It is stated that recently some special staff has been sanctioned for doing evaluation work and it is hoped that delays on this account will be reduced. Chief Technical Examiner's Organisation, Office of the Government Examiner of Questionable Document and the Alipur Test House are stated to be very much understaffed in relation to the volume of work they are required to handle. The representative of the Ministry stated during evidence that a Branch of the office of the Government Examiner of Questionable Document has been set up recently at Hyderabad and has started functioning w.e.f. 1-9-1968.

A Handwriting Unit for Central Bureau of Investigation has also been sanctioned. Those would, according to him, enable the Central Bureau of Investigation to clear some of their cases quickly. In regard to Chief Technical Examiner's Organisation, Government have stated that in view of its overall work load requirements, the strength of the Organisation has been increased in March, 1967 and again in June, 1967. The factors responsible for the delay in Chief Technical Examiner's Organisation were reviewed recently at a personal discussion between the officers of the Central Bureau of Investigation and the Chief Technical Examiner and, as a result of the discussion, appropriate instructions are stated to have been issued to Central Bureau of Investigation Branch offices to obviate delays. The Chief Technical Examiner is also stated to have agreed to a time limit of two months during which the reports of the technical examination would normally be submitted by his organisation. It has also been decided that in all cases where investigations are held up on account of the delay in getting expert opinion or reports of technical examination by the various agencies, officers of the Central Bureau of Investigation would try to get reports expedited by personal contact. If such personal contacts fail to yield the desired results, the Central Bureau of Investigation would refer their files to the Ministry of Home Affairs for taking up the matter with the Secretary or the Joint Secretary of the Ministry concerned demi-officially.

5.14. The Committee consider it of utmost importance that the opinions of technical experts are made available to the Central Bureau of Investigation expeditiously. The Committee recommend that all cases of delay beyond two months should be immediately reported by the Central Bureau of Investigation to the Ministry of Home Affairs who should then pursue such cases within the administrative Ministry concerned at a sufficiently high level.

5.15. They also recommend that the staff position of the technical organisations concerned with giving opinion in Central Bureau of Investigation cases, should be reviewed periodically and norms of work for different classes of experts determined.

#### *General shortage of staff*

5.16. Another reason given for the delay in investigation of cases is the shortage of staff on the investigation side. Asked whether any norms of work had been laid down for the Investigating Officers and, if so whether there were being observed in actual practice, the representative of the Central Bureau of Investigation stated during evidence that norms of work had been fixed for Investigating Officers. East officer was expected to enquire into or

investigate 4 Preliminary Enquiries and 2 Regular Cases in a year. This norm had been fixed after taking into consideration the number of days an officer had to spend in attending the courts, going round the Departments and in journeys from one place to another. He also stated that the annual confidential report of an officer was accompanied by a statement giving the number of Preliminary Enquiries or Regular Cases handled, the results of investigation and time taken. The assessment of every officer was based on "results of investigations, speed of investigation and the informations collected." There was also a system of cash rewards and award of Police Medals. He, however, pointed out that the quota could not be inflexible and there might be cases on which the Inquiry Officer could legitimately take a longer time. Even so, according to him, in actual practice every officer had to do more than the norm laid down because of the work load.

5.17. The Committee have, in paragraph 2.24, already recommended that the Staff Inspection Unit of the Ministry of Finance should independently make a special study of the work load with the Central Bureau of Investigation and staff needed to handle the same. If, as a result of this study, it is found that the investigation or any other side of the Central Bureau of Investigation needs strengthening, the Committee have no doubt that Government will taken prompt action to meet the situation.

#### *Shortage of staff on the Legal side*

5.18. Branches of the Special Police Establishment Division of the Central Bureau of Investigation are provided with Senior Public Prosecutors, Public Prosecutors and Assistant Public Prosecutors who are responsible for legal scrutiny of the cases investigated by the Branch and for prosecuting the cases in the courts. At the Head-quarters, apart from Senior Public Prosecutors, there is a Legal Adviser, assisted by Additional and Deputy Legal Advisers, who examine the Final Reports of cases received from the Branches, scrutinise the legal aspect of such of the cases as are referred to them and also conduct cases in courts in Delhi and outside.

5.19. According to the Annual Report of the Central Bureau of Investigation for 1967, at the end of 1967, as many as 258 Preliminary Enquiries and Regular Cases were pending in the Branches or at the Head-quarters for legal scrutiny. The break up of these cases have been indicated as follows:

- (a) (i) 108 cases were pending at Head Office, and
- (ii) 150 cases were pending in the Branch Offices

(b) The break up of the 258 cases is given below:—

(i) one month or less	180
(ii) 1—3 months	57
(iii) 3—6 months	*19
(iv) 6—12 months	**2
TOTAL	258

5.20. It is stated that delays in legal scrutiny in the Branches are due to vacancies in the posts of Senior Public Prosecutors, Public Prosecutor and Assistant Public Prosecutors. According to the information furnished to the Committee, the staff position in regard to these posts as on 1.4.1968 was as follows:

	Sanctioned strength	Actual strength	Vacancies
Senior Public Prosecutors	30	28	2
Public Prosecutors	54	41	13
Asstt. Public Prosecutors	14	11	3
	98	80	18

5.21. The Committee are informed that repeated efforts were made in getting officers with the prescribed legal qualifications by direct recruitment but these have not been very successful. It is also stated to be equally difficult to get officers on deputation from States for the

\*15. cases pertain to Bombay Branch where the Senior Public Prosecutor wanted to see the original documents, which had been sent to Government Examiner of questionable Documents, before giving his final opinion. The remaining 4 cases were pending because Additional Legal Adviser was out of India and Legal Adviser was on medical leave.

\*\*These cases pertain to Food Offences Wing, Calcutta—one case was kept pending decision of Calcutta High Court on a similar point and in the other case the Legal Branch wanted additional information before giving their opinion.



main reason for people with requisite qualifications not being found is that the pay scales are not sufficiently attractive and commensurate with the qualifications prescribed. The representative of the Central Bureau of Investigation stated during evidence that, to get over this difficulty Central Bureau of Investigation have just formulated a proposal for revision of pay scales of law officers in the Central Bureau of Investigation and submitted it to the Ministry of Home Affairs.

5.22. As for the number of pending cases in the Legal Division at the Head-quarters, the delay in the disposal of cases is attributed to the following:—

- (a) the number of Final Reports to be decided at the Head Office have increased from 360 in 1965 to 557 in 1967.
- (b) the Additional Legal Adviser and Deputy Legal Advisers who examine the Final Reports have to remain out increasingly for conducting cases out of Delhi. The average man days on which each one of them was so occupied have increased from 34 in 1965 to 117 in 1967.
- (c) Legal Adviser has to deal with a very large number of files (1149 Receipts in 1967) and it is difficult for him to give his advise on so many files.

5.23. To get over these difficulties, 3 posts of Deputy Legal Advisers have been sanctioned on 6.8.1968: one each for the Branches at Calcutta and Bombay, and one temporary post for some specific work. It is stated that as the Deputy Legal Advisers in the Branches of Calcutta and Bombay will conduct cases in those cities, the officers posted at the Head-quarters in Delhi will be better able to concentrate on giving opinion on cases referred to him.

5.24. In this connection the attention of the Committee is attracted to the opinion expressed by the Committee on Prevention of Corruption (Santhanam Committee) in para 10.47 of their Report that the scale of pay prescribed for Assistant Public Prosecutors was not adequate enough. They had suggested that, in order to secure better type of candidates for direct recruitment, the rank of Assistant Public Prosecutor should be abolished and there should be only two ranks viz. Senior Public Prosecutor and Public Prosecutor.

The Committee regret that although the shortage of staff on the legal side has been persisting for quite some time and holding up the progress of cases requiring legal scrutiny, so far nothing tangi-

ble has been done to remedy this situation. Evidently, the main reason for a number of vacancies both in Branches and at the Head Office in the rank of Assistant Public Prosecutor, Public Prosecutor and Senior Public Prosecutor is that on the present day scales it is difficult to get suitable persons who have to be Law Graduates with some years' practice at the Bar. Yet it is only recently that proposals are said to have been formulated by the Central Bureau of Investigation for upward revision of the pay scales of these posts and for improving the terms and conditions of their service. The Committee trust that early decision will be taken by Government on the aforesaid proposals of the Central Bureau of Investigation.

### B. Delay in the Central Vigilance Commission

#### *Delay of Central Bureau of Investigation cases in the Central Vigilance Commission*

5.25. Final report of Investigation by the Central Bureau of Investigation in the cases involving gazetted Government servants are required to be sent in the first instance to the Central Vigilance Commission. Action is taken by the Ministry concerned on the recommendation of the Central Bureau of Investigation only after considering the advice of the Central Vigilance Commission. Cases of differences of opinion between the Ministry concerned and the Central Bureau of Investigation in regard to non-gazetted servants are also required to be referred to the Central Vigilance Commission for advice. The advice of the Central Vigilance Commission is also required before a decision is taken by the Ministries in cases involving blacklisting of firms and contractors. Central Vigilance Commissioner has been given a status analogous to that of the Union Public Service Commission and as such the advice given by him to the Ministries concerned is generally accepted by them unless there are some very special reasons for not accepting the same. Cases of non-acceptance of advice are indicated in the Annual Report of the Commission which is laid on the Table of Parliament along with an explanatory note by Government giving the reasons for non-acceptance of advice of the Central Vigilance Commission in each such case.

5.26. One of the causes for delay in the finalisation of the Central Bureau of Investigation cases is stated to be the long time taken by the Central Vigilance Commissioner in giving his advice to the Ministries concerned. The representative of the Ministry was asked during evidence to state whether after the setting up of the Central Vigilance Commission, the extent of delay in finalisation of Central

Bureau of Investigation cases had in fact increased. He stated that the object of setting up the Central Vigilance Commission was to get an independent and high level opinion. Some additional time was necessary for the Commission to formulate its considered advice on the report of the Central Bureau of Investigation.

5.27. Government was asked to indicate the number of Central Bureau of Investigation cases pending with the Central Vigilance Commission as on 31st December, 1967. The number of cases pending with the Commission on 31st December 1967 is stated to be 100 as under:—

between 1-2 months	..	24
between 2-3 months	..	14
between 3-4 months	..	16
between 4-6 months	..	13
more than 6 months	..	33
		33
TOTAL		100

5.28. From the information furnished in regard to certain specific cases in which Central Bureau of Investigation took over 2 years in launching prosecution, it is noted that Central Vigilance Commission did in fact take considerable time in giving his advice. Some of the cases of delay on the part of the Central Vigilance Commission which have come to the notice of the Commission are indicated below:

I	CBI/PE/Rc No.	Time taken by CVC in giving advice (approx.)	
		3	4
	1. RC 20/66 (Bombay)	1st Report 2nd Report 3rd Report	16 months 21 months Pending with EVC since 8-9-67.
	2. RC 88/65 (Hyderabad) and RC. 89/65 (Hyderabad)		13 months
	3. RC 2/66-CIA II		11½ months
	4. RC 11/65-CIA I		7½ months

1	2
5. RC 8/65 (CIA I) . . . .	7 months
6. RC 9/66 CIA-I . . . .	6 months
7. RC 9/65 (Madras) . . . .	6 months
8. PE 10/65 (Lucknow) . . . .	Pgding with CVC since 2-5-68.

5.29. The Central Vigilance Commission is also concurrently under examination of the Committee. The delays taking place in the disposal of cases in that organisation have attracted the notice of the Committee and will be suitably commented upon in their report on that organisation. They, however, take this opportunity to emphasise the importance of expeditious disposal of cases by the various authorities concerned including the Central Vigilance Commission which is a vital link in the chain. They hope that Central Bureau of Investigation will in future have no occasion to cite the delay in the Central Vigilance Commission as a contributory factor in the finalisation of their cases.

### C. Delay in Ministries

*Delay of Central Bureau of Investigation cases in Ministries etc.*

5.30. After the completion of investigation in a case, Central Bureau of Investigation may take either of the following courses:

- (i) drop the case.
- (ii) refer the matter to the Department concerned for such action as the Department may deem fit.
- (iii) refer the matter to the Department concerned recommending Regular Departmental Action (RDA).
- (iv) ask for previous sanction of the Central Government or State Government concerned under Section 6 of the Prevention of Corruption Act, 1947 if the Central Bureau of Investigation on the basis of facts thrown up during investigations, decides to launch prosecution in a court of law.

5.31. With the setting up of the Central Vigilance Commission in 1964, Final Reports of the Central Bureau of Investigation in all cases involving Gazetted Servants of the Central Government and Commissioned Officers are required to be sent to the Central Vigilance Commission.

lance Commission. The Central Vigilance Commission advises the Ministries concerned as to the course of further action in such cases. Final Reports of the Central Bureau of Investigation in respect of non-Gazetted Central Government servants are, however, sent by the Central Bureau of Investigation to the Ministries concerned direct (unless the case was referred for inquiry or investigation by the Central Vigilance Commission itself). In such cases, the Central Vigilance Commission does not come into the picture unless either there is a difference of opinion between the Central Bureau of Investigation and the Ministry concerned as to the quantum of punishment proposed to be meted out to the accused officer or the Ministry does not propose to issue sanction for prosecution, in which cases, the matter is required to be referred by the Ministry concerned to the Central Vigilance Commission for advice.

5.23. As stated above, if the Central Bureau of Investigation decides to prosecute the Central Government servants involved in the case or recommends Regular Departmental Action against them, its Final Report on the case is sent either to the Central Vigilance Commission or to the Ministry concerned. Final Reports of the Central Bureau of Investigation sent to the Ministry concerned by the Central Bureau of Investigation direct, are processed by them and time is taken by the Ministries in issuing the sanction for prosecution or taking action against the persons concerned in the light of the recommendations of the Central Bureau of Investigation. If the Final Report is sent by the Central Bureau of Investigation to the Central Vigilance Commission, time is taken, in the first instance, by the Central Vigilance Commission in giving its advice to the Ministry concerned and thereafter by the Ministry concerned in taking action in the light of the recommendations of the Central Vigilance Commission. Any delay occurring at either of these stages adds to the delay in the issue of sanctions for prosecution or the finalisation of the cases investigated by the Central Bureau of Investigation. Delays in departmental action are often caused on account of enquiries (who are under the Central Vigilance Commission) to whom certain category of cases are required to be referred for enquiry under Central Civil Services (Classification, Control & Appeal) Rules. These rules have been revised in 1965 as a result of the recommendations of the Committee on Prevention of Corruption (Santhanam Committee). Presenting Officers of the Central Bureau of Investigation present cases for departmental action before the Departmental Enquiry Officers appointed by the Ministries/Departments, except in the case of Railways who have also been approached to agree to the appointment of Central Bureau of Investigation Presenting Officers.

5.33. The position regarding cases sent up for departmental action has been indicated in the Annual Reports of the Central Bureau of Investigation as follows:

Year	Cases requiring departmental action during the year			Cases disposed of during the year.	Cases, pending at the end of the year
	New cases	Pending from previous year	Total		
1	2	3	4	5	6
1965 .	1347*	1919	3266	969	2297
1966 . .	1527**	2290	3817	1146	2671
1967 . .	1406*	2664	4070	1416	2654

5.34. Thus, at the end of the 1967, the number of Central Bureau of Investigation cases pending with the authorities concerned for Departmental Action were 2,654. The Ministry have furnished the break-up of these cases according to period of their pendency as follows:—

Pending for:

(i) less than 3 months	401
(ii) 3—6 months	332
(iii) 6—12 months	476
(iv) 12—18 months	398
(v) 18—24 months	276
(vi) more than 2 years	771
Total:	<u>2,654</u>

It would be noted from the above figures that out of the total number of cases pending with the authorities concerned for departmental action at the end of 1967, 54 per cent. were more than one year old, 39 per cent were more than 1½ years old while 29 per cent. were more than 2 years old.

\*Including 71 for suitable action.

\*\*Including 75 for suitable action.

£Including 57 for suitable action.

5.35. The number of Regular Cases pending at the end of 1967 for want of departmental sanction for prosecution have been indicated in the Annual Report of Central Bureau of Investigation for 1967 as 67. The break up of these cases has been furnished by the Ministry as follows:—

Pending for:

(i) less than one month	29
(ii) 1—3 months	17
(iii) 3—6 months	11
(iv) 6—12 months	4
(v) more than one year	6

Total:	67
--------	----

5.36. During evidence, the representative of the Ministry was asked to state the steps taken or envisaged by them to ensure that departmental action was not unduly prolonged. He was also asked whether, in his opinion, the procedures for dealing with cases were so complicated that they took time. He stated that the disciplinary procedures had been remodelled as a result of the Report of the Committee on Prevention of Corruption (Santhanam Committee) in December, 1965. Certain other steps to improve the procedures are also under the consideration of Government and one of them was to, by a law, empower the Enquiry Officers in disciplinary cases to compel the attendance of witnesses and production of papers. One point that remained to be settled in that regard was the level of Enquiry Officers who should be so empowered which, he thought, would take a couple of months to be straightened out. He further stated that no more simplification of procedures was possible. According to him, every Enquiry Officer was faced with the situation that unless the proceedings satisfied the dictates of natural justice, they would be challenged in a court of law. The representative of the Ministry, however, admitted that as a result of the new procedures the improvement was only "slight" which he regarded as not "entirely satisfactory." He, however, thought that "a combination of effort on these lines will show improvement."

5.37. Describing the steps taken to ensure speedy action by the administrative authorities in prosecution cases, the representative of the Ministry stated:

"The Central Vigilance Commission had discussed this with the Chief Vigilance Officers of the Ministries in February, 1966 and as a result of that, a circular was issued

by the Commission to the Chief Vigilance Officers and perhaps the need for the expeditious issue of sanctions was stressed therein. It was suggested that normally sanctions should be accorded within a period of 14 days from the receipt of reference and if it was proposed not to accord sanction, a reference should be made to the Commission within that period. In case they were unable to accept the advice of the Commission and in exceptional cases the competent authority finds that it will take more than two weeks to come to a decision, the Central Bureau of investigation may be informed indicating the time by which it would be possible to communicate the decision."

He added that the implementation of the instructions contained in the circular of the Central Vigilance Commission had to be stepped up. According to him, in each case, if there was delay, the officers of the Central Bureau of Investigation contacted the Ministry concerned and cases of delay brought to the notice of the Ministry of Home Affairs who also contacted the Ministry concerned to expedite the decision.

5.38. The Committee are deeply concerned to note the large number of Central Bureau of Investigation cases pending with the Ministries/Departments for disciplinary action; quite a substantial portion of these have been pending for a long time. Apart from the fact that delays in disciplinary proceedings whittle down the deterrent effect of punishment, the more prolonged the proceedings the greater is the difficulty experienced by the witnesses and greater still is the hardship to the public servant involved. The Committee would suggest that reasonable time limits for the disposal of a disciplinary case at each stage in the Ministries should be fixed which should normally be adhered to. In exceptional cases, where it is, for any reason, not possible to adhere to the prescribed time limits, extension of time should be applied for by the authority concerned stating the reasons therefor and approved by the next higher authority.

5.39. The Committee understand that one of the important factors which holds up the progress of disciplinary proceedings is the absence of legal authority with the enquiry officers to compel the production of records and attendance of witnesses. They, however, regret that although recommended by Santhanam Committee in 1964, Government have not so far been able to introduce legislation in Parliament to so empower enquiry officers in disciplinary proceedings. The Committee hope that early steps will be taken by Government to implement this recommendation of the Santhanam Committee.



5.40. The Committee are distressed to find that unconscionable delays continue to occur in Ministries/Departments in the issue of sanctions for prosecuting officers serving under them. They urge that the Ministry of Home Affairs should issue instructions to all the Ministries etc. drawing their pointed attention to this lapse on their part and requesting them to issue the sanctions within a specified time. In exceptional cases, where it is, for any reason, not possible to adhere to the specified time limit, the matter should be brought to the notice of the Secretary or head of the Department/Public Undertaking concerned in writing and his specific approval for extension of time limit obtained.

#### D. Delay in Courts

##### *Pendency of Central Bureau of Investigation cases in courts*

5.41. The portion regarding cases sent up for trial during the last three years has been indicated in the Annual Reports of the Central Bureau of Investigation as follows:

##### A. CASES ON TRIAL IN COURTS OF ORIGINAL

##### *Jurisdiction*

Year	No. of cases on trial during the year			No. of cases disposed of by the courts during the year.	No. of cases pending trial at the end of the year.
	Pending trial at the beginning of the year.	Sent up for trial during the year.	Total		
1	2	3	4	5	6
1965	534	295	829	225	605
1966	606	353	959	276	684*
1967	688	489	1,117	323	855*

##### B. APPEAL CASES

##### (a) Filed by States

1965	18	16	34	7	27
1966	27	14	41	12	29
1967	29	18	47	8	39

##### (b) Filed by the accused persons

1965	169	95	264	77	187
1966	186	137	323	111	212
1967	215	141	356	133	223

\*Includes one case partly decided.

1	2	3	4	5	6
<b>C. REVISION PETITIONS</b>					
<i>(a) Filed by State</i>					
1965 . . .	6	8	14	6	8
1966 . . .	11	18	29	10	19
1967 . . .	19	7	26	11	15
<i>(b) Filed by the accused persons</i>					
1965 . . .	15	10	25	21	4
1966 . . .	5	26	31	8	23
1967 . . .	23	26	49	7	42

5.42. It would be seen from the above statement that at the end of 1967 in all 1174 Central Bureau of Investigation cases were pending trial/disposal in courts. Government have furnished the break-up of these cases according to their period of pendency as follows:

Pending for	Cases pending in courts of original jurisdiction.	Appeals filed by State.	Appeals filed by accused.	Revision petitions filed by State.	Revisions file by accused.
Less than 3 months	159	2	21	3	4
3—6 months	121	4	23	2	4
6—12 months	161	11	46	..	14
12—18 months .	108	4	65	7	13
18—24 months .	50	5	24	2	3
Over 2 years .	256	13	44	1	4
<b>TOTAL .</b>	<b>855</b>	<b>39</b>	<b>223</b>	<b>15</b>	<b>42</b>

5.43. It is noted from the above statement that out of 1,174 Central Bureau of Investigation cases pending trial/disposal in courts at the end of 1967, 831 or 71 per cent were pending for more than 6 months, 599 or 51 per cent were more than one year old white 318 or 27 per cent were over 2 years old. The Ministry was asked to state the steps taken or envisaged to minimise the extent of pendency of Central Bureau of Investigation cases in courts. They have stated that the problem of large pendency of Central Bureau of Investiga-

tion cases during trial in courts has been constantly receiving their attention. The reasons for delay have been analysed and wherever possible, steps have been taken to remove the bottlenecks. In all cases, State Governments were requested to give priority to the trial of the Central Bureau of Investigation cases in courts and High Courts have impressed upon the courts in the inspection notes in individual cases to give priority to the cases. Requests were also made to the State Governments to appoint whole-time Magistrates and Special Judges to try Central Bureau of Investigation cases, where the work-load required such a course. The present position as regards the Special Judges and the Special Magistrates in each State is indicated in Appendix VII. Government have also made Case Study of the old pending cases to determine the reasons why those particular cases were delayed. On analysis they have found that these cases were delayed for the following reasons:—

- (a) Copies of the documents as required to be furnished under section 173 Cr. P.C. could not be furnished within a period of fortnight on account of bulk. Remedial measures have been taken in this regard by making a typing pool wherever so required, so that delay does not occur in furnishing the copies of the documents and the statements of the witnesses to the accused.
- (b) The accused persons preferred revisions against the interlocutory orders and in some cases filed the transfer applications before the High Courts. In the High Courts the matter remained pending for considerable time. In such cases practically very little could be done to expedite except putting in urgent application that the particular matter be disposed of early, as the pending case was being delayed. Sometimes, we have succeeded but it always depends upon the High Court concerned.
- (c) Witnesses who have to come from outside, submit medical certificates. In such cases nothing could be done.
- (d) In a few cases, the accused submitted medical certificates and went on taking long adjournments. The difficulty is that where the accused submits a medical certificate and even if the court requires the civil surgeon to countersign it, experience has shown that the civil surgeons generally agree with the other doctor.
- (e) Delays have also taken place because the Special Judges and the Special Magistrates were transferred and the accused made requests for re-summoning and re-calling

certain witnesses. The successor Magistrates also did not join promptly but took some time. In the State of U.P., it is found that the sanction for the appointment of the special Judges/Special Magistrates is given only on annual basis with the result that when the year ends the Magistrates or the Special Judges ceases to function because their authority as Special Judge/Special Magistrate comes to end. Efforts were made with the State Government to accord sanction in time so that the continuity is not broken. In the year 1967-68, the sanction was given promptly. It is expected that this problem will cease soon.

- (f) There is shortage of prosecuting staff in the CBI with the result that when the prosecutor has to go to conduct the case from one place to another and he is detained at that place, whatsoever the reason be, the programme is disturbed causing dislocation in the work. Steps are being taken to augment the prosecution staff.
- (g) Sometimes witnesses are not served summons in time and so the cases have to be postponed due to their absence.
- (h) Important CBI cases are complicated. The accused persons are influential and engage eminent counsels. In certain cases a tough battle on each point is fought and there is a delay in the trial of the case, not because the learned Magistrate or Special Judge did not give sufficient time but because of the magnitude of the case and its complexity. In such cases delays are unavoidable.

5.44. Government maintain that they are making all efforts to avoid delays wherever by administrative action it is possible. Where the law and procedure leads to the delays, efforts are being made by them as far as possible to avoid such delays. They, however, consider that, as it is, certain delays in trials of the cases cannot be avoided and the provisions of law cannot be by-passed.

5.45. The Committee are perturbed at the mounting arrears of CBI cases pending trial/disposal in Courts year after year. The analytical study of some old pending cases reveals that CBI is not free from blame in this matter. The delay in production of documents under Section 173 Cr.P.C., shortage of prosecuting staff and delay in the service of summons are matters which have to be attended to by the CBI.

5.46. As regards other factors contributing to the delay in the disposal of cases in Courts, the Committee recommend that the Ministry of Home Affairs should continue to impress upon the State Governments the need for expeditious disposal of CBI cases and urge them to take suitable measures with a view to remedy the situation. The Committee have no doubt that the position will improve if a vigorous and concerted drive is made by CBI and the Ministry of Home Affairs on the lines suggested above.

NEW DELHI;

P. VENKATASUBBAIAH,

March 22, 1969.

Chaitra 1, 1891 (S).

Chairman,

Estimates Committee

## APPENDIX I

(See Para 1.10)

**Government of India (Ministry of Home Affairs) Resolution No. 4/31/61-T dated the 1st April, 1963 setting up the Central Bureau of Investigation.**

### RESOLUTION

The Government of India have had under consideration the establishment of a Central Bureau of Investigation for the investigation of crimes at present handled by the Delhi Special Police Establishment including specially important cases under the Defence of India Act and Rules particularly of hoarding, blackmarketing and profiteering in essential commodities, which may have repercussions and ramifications in several States; the collection of intelligence relating to certain types of crime; participation in the work of the National Central Bureau connected with the International Criminal Police Organisation; the maintenance of crime statistics and dissemination of information relating to crime and criminals; the study of specialised crime of particular interest to the Government of India or crimes having all India or inter-State ramifications or of particular importance from the social point of view; the conduct of police research; and the co-ordination of laws relating to crime. As a first step in that direction the Government of India have decided to set up with effect from 1st April, 1963 a Central Bureau of Investigation at Delhi with the following six Divisions, namely:—

- (i) Investigation and Anti-Corruption Division (Delhi Special Police Establishment).
- (ii) Technical Division,
- (iii) Crime Records and Statistics Division,
- (iv) Research Division,
- (v) Legal and General Division,
- (vi) Administration Division.

The Charter of functions of the above said Divisions will be as given in the annexure. The assistance of the Central Bureau of Investigation will also be available to the State Police Forces on request

for investigating and assisting in the investigation of inter-State crime and other difficult criminal cases.

V. VISWANATHAN,  
*Secretary to the Government of India.*

No. 4/31/61-T,

*New Delhi- 11, the 1st April, 1963.*

ORDER: Ordered that a copy of the Resolution be communicated to all State Governments/Union Territories Administration; Director Intelligence Bureau; Inspector General, Special Police Establishment, Delhi: all Ministries/Departments of the Government of India.

Ordered also that the Resolution be published in the Gazette of India for general information.

V. VISWANATHAN,  
*Secretary to the Government of India.*

## ANNEXURE

### I. INVESTIGATION AND ANTI-CORRUPTION DIVISION

(Delhi Special Police Establishment)

(1) Cases in which public servants under the control of the Central Government are involved either by themselves or along with State Government servants and/or other persons.

(2) Cases in which the interests of the Central Government or of any public sector project or undertaking, or any statutory corporation or body set up and financed by the Government of India are involved.

(3) Cases relating to breaches of Central Laws with the enforcement of which the Government of India is particularly concerned, e.g.

(a) breaches of Import and Export Control Order,

(b) serious breaches of Foreign Exchange Regulation Act,

(c) Passport frauds,

(d) cases under the Official Secrets Act pertaining to the affairs of the Central Government,

(e) cases of certain specified categories under the Defence of India Act or Rules with which the Central Government is particularly concerned.

(4) Serious cases of cheating or fraud relating to the Railways, or Posts & Telegraphs Department, particularly those involving professional criminals operating in several States.

(5) Crime on the High Seas.

(6) Crime on the Airlines.

(7) Important and serious cases in Union Territories particularly those by professional criminals.

(8) Serious cases of fraud, cheating and embezzlement relating to Public Joint Stock Companies.

(9) Other cases of a serious nature, when committed by organised gangs or professional criminals, or cases having ramifications in several States including Union Territories, serious cases of spurious drugs,



important cases of kidnapping of children by professional inter-State gangs, etc. These cases will be taken up only at the request of or with the concurrence of the State Government/Union Territories Administrations concerned.

(10) Collection of intelligence about corruption in the Public services and the projects and undertakings in the public sector.

(11) Prosecution of cases investigated by this Division.

(12) Presentation of cases before Enquiry Officers in which departmental proceedings are instituted on the recommendation of this Division.

## II. TECHNICAL DIVISION

(1) Technical assistance in investigation of cases involving accounts.

(2) Specialised assistance in cases involving Railway and Postal accounts.

(3) Assistance in cases involving assessment of Income-tax, Estate Duty etc.

(4) Examination of accounts and assets etc. in cases relating to allegations of disproportionate assets.

(5) Examination of cases investigated by the Bureau which have an Income-tax aspect, and communication of information with a view to enabling the Income-tax Department to recover the evaded tax.

## III. CRIME RECORDS & STATISTICS DIVISION

(1) Maintenance of all-India statistics of crime.

(2) Study of all-India trends in thefts and losses, and recoveries of fire-arms and ammunition, and notes-forgery and counterfeit coin-ing.

(3) Collection and dissemination of information about important inter-State criminals.

(4) Preparation and circulation of reports and reviews relating to crime in India.

(5) Participation in the work of the I.C.P.O., N.C.B., U.N.O. Reporter for Crime

## IV. RESEARCH DIVISION

(1) Analysis and study of specialised crimes and of problems of a general nature affecting the Police, e.g.:

- (i) trends and causes of serious crimes in different areas,
- (ii) preventive measures, their effectiveness and relationship with crime,
- (iii) improvement in methods of investigation, utility and results of introducing scientific aids and equipment,
- (iv) inadequacy of laws; coordination of laws relating to crime in various States,
- (v) criminal gangs operating in more than one State—wandering gangs—Ex-Criminal Tribes—habitual offenders,
- (vi) Crime amongst the Tribal people,
- (vii) inter-State note-forgery and counterfeiting,
- (viii) social factors in crime,
- (ix) industrialisation and Crime,
- (x) juvenile delinquency,
- (xi) kidnapping of women and children.

#### V. LEGAL AND GENERAL DIVISION

##### (A) LEGAL SECTION.

- (1) Legal advice in cases investigated by the Investigation and Anti-corruption Division.
- (2) Conducting prosecution in important cases.
- (3) Review of judicial decisions relating to criminal law and procedure for publication in the C.B.I. Gazette.
- (4) Compilation and circulation of Law Digest.
- (5) Inadequacy of and amendments of laws.
- (6) Coordination of laws relating to crime in various States.

##### (B) GENERAL SECTION

- (1) Matters relating to organisation, policy & procedure.
- (2) Inter-State Conference relating to crime and anti-corruption work.
- (3) Appreciation reports regarding modes of corruption in various Government Departments and Public Undertakings.

- (4) Correspondence with Ministries and States on general questions relating to policy, procedure, etc.
- (5) Training Courses in anti-corruption work.
- (6) C.B.I. Gazette.
- (7) Photographic section.

VI. ADMINISTRATION DIVISION

All establishment and accounts matters.

## APPENDIX II

(See Para 1.20)

### **List of Offences notified under section 3 of the Delhi Special Police Establishment Act, 1946.**

I. S.P.E. jurisdiction extends to all States & Union territories:—

- (1) Offences punishable under sections 161, 162, 163, 164, 165, 165-A, 166, 167, 168, 169, 182, 193, 197, 198, 201, 204, 211, 218, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263-A, 278, 380, 381, 382, 384, 385, 386, 387, 388, 389, 403, 406, 407, 408, 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477A, 489-A, 489-B, 489-C, 489-D & 489-E, of the Indian Penal Code, 1860, (XLV of 1860).
- (2) Offences punishable under the Prevention of Corruption Act, 1947 [(III) of 1947];
- (3) Offences punishable under the Defence of India Act, 1962 and the Defence of India Rules framed thereunder;
- (4) Offences punishable under the Imports and Exports (Control) Act, 1947 (XVIII of 1947);
- (5) Offences punishable under the Foreign Exchange Regulation Act, 1947 (XII of 1947);
- (6) Offences punishable under Sections 51, 52, 55 and 56 of the Indian Post Office Act, 1898 (VI of 1898);
- (7) Offences punishable under sections 63, 68, 116, 538, 539, 540, 541, 542, 628, 629, and 630 of the Companies Act, 1956 (I of 1956);
- (8) Offences punishable under sections 104 and 105 of the Insurance Act, 1938 (IV of 1938);
- (9) Offences punishable under the Indian Official Secrets Act, 1923 (XIX of 1923);

- (10) Offences punishable under Sections 7 & 8 of the Essential Commodities Act, 1955 (X of 1955) and conspiracies in relation thereto or in connection therewith;
- (11) Offences punishable under Section 24(I) (III) of the Industries (Development and Regulation) Act, 1951 (LXV of 1951) and conspiracies in relation thereto or in connection therewith.
- (12) Offences punishable under sections 132, 133, 134, 135, and 136 of the Customs Act, 1962 (52 of 1962);
- (13) Offences punishable under the Indian Wireless Telegraphy Act, 1933 (XVII of 1933);
- (14) Offences punishable under the Telegraph Wires (Unlawful possession) Act, 1950 (XXXIV of 1950);
- (15) Offences punishable under the Railway Stores (Unlawful possession) Act, 1955 (LI of 1955);
- (16) Offences punishable under section 27 of the Indian Telegraph Act, 1885 (XIII of 1885);
- (17) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned at No. (1) to (9) and (12) to (16) and any other offences committed in the course of the same transaction arising out of the same facts.

**Note.** (1) Offences at Nos. 4, 8 and 15 are not applicable to Nagaland.  
 (2) Offences at Sl. Nos. 1 & 2 are not applicable to J & K.

*II. The following offences apply to J & K only.*

- (1) Offences punishable under sections 161, 162, 163, 164, 165, 166, 167, 168, 169, 182, 193, 197, 198, 201, 204, 211, 218, 231, 232, 233, 234, 235, 236, 238, 239, 240, 241, 242, 243, 246, 247, 248, 249, 250, 251, 252, 253, 254, 258, 259, 260, 261, 262, 263, 263A, 379, 380, 381, 382, 384, 385, 386, 387, 388, 389, 403, 406, 407, 408, 409; 411, 412, 413, 414, 417, 418, 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 475, 476, 477A, 489A, 489B, 489C, 489D, of the J & K State Ranbir Penal Code, 1989 (12 of 1989).
- (2) Offences, punishable under the Jammu and Kashmir State Prevention of Corruption Act, 2006 (13 of 2006);

III. SPE jurisdiction extends to all States and Union Territories except Jammu and Kashmir for the following offences;

- (1) Offences punishable under section 9 of the Opium Act, 1878 (1 of 1878);
- (2) Offences punishable under sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of the Dangerous Drugs Act, 1930 (2 of 1930);
- (3) Offences punishable under Rule 6 of the Indian Passport Rules, 1950, read with sub-section (3) of section 3 of the Indian Passport Act, 1920 (XXIV of 1920);
- (4) Offences punishable under section 5 of the Registration of Foreigners Act, 1939 (XVI of 1939);
- (5) Offences punishable under sections 10, 11, and 12 of the Aircraft Act, 1934 (XXII of 1934) and under any rule made under sections 5, 7, 8, 8A, or 8B, of the said Act.
- (6) Offence punishable under section 14 of the Foreigners Act 1946 (XXXI of 1946);
- (7) Offences punishable under sections 277 and 278 of the Income Tax Act, 1961 (43 of 1961);
- (8) Offences punishable under section 9 and 17 of the Central Excise and Salt Act, 1944 (1 of 1944);
- (9) Offences punishable under sections 196, 199 and 200 of the Indian Penal Code (45 of 1860);
- (10) Attempts abetments and conspiracies in relation to or in connection with one or more of the offences mentioned at No. (3) to (9) and any other offences committed in the clause of the same transaction arising out of the same facts.

Note. (1) The offences at Sl. 1 apply to Tuensang Distt of Nagaland and NOT the whole of Nagaland.

(2) Sl. No. 5 is not applicable to Nagaland.

IV. SPE jurisdiction extends to Bihar and West Bengal only.

(1) Offences punishable under sections 124A and 505 of the Indian Penal Code.

V. SPE jurisdiction extends to West Bengal only.

- (1) West Bengal Security Act, 1950 (West Bengal Act (XIX of 1950) as re-enacted by the West Bengal Security (Re-enactment and Validation) Ordinance, 1956.

VI. The following offences apply to Union Territories only.

- (1) Offences punishable under one or more of the following sections of the Indian Penal Code (45 of 1860), namely:—

Sections 302, 303, 304A, 307 and 308;

- (2) attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned at No. (1) and any other offences committed in the course of the same transaction arising out of the same facts.

### APPENDIX III

(See Para 1.21)

Copy of letter No. 31/1/46-SPE dated 13th March, 1947 from Deputy Secretary, Home Department to Chief Secretary to the Government of Uttar Pradesh.

---

SUBJECT:—Question of the spheres of activity of the Delhi Special Police Establishment and the staff of the Provincial Anti-Corruption Department in the United Provinces.

---

Sir,

With reference to your letter No. A5019 XXV/CI, dated the 28th November 1946, on the above subject, I am directed to say that the Dy. Inspector General, Delhi Special Police Establishment and the Deputy Inspector-General, Anti-Corruption Department, United Provinces, have arrived at the following agreed basis regarding the question of demarcation of the functions of the Delhi Special Police Establishment and the Anti-corruption Department, United Provinces, so far as enquiries conducted in that province are concerned:—

(1) Cases which are substantially and initially against Central Govt. employees or are concerning affairs of the Central Government shall be investigated by the Delhi Special Police Establishment in spite of the fact that certain employees of the Provincial Government may also be involved. The Provincial agency will of course be informed of such cases and will render necessary assistance to the Delhi Special Police Establishment during investigations.

(2) Cases which are essentially and substantially against servants of the Provincial Government or are in respect of matters concerning the Provincial Government shall be investigated by the Provincial anti-corruption agency irrespective of the fact that certain employees of the Central Government are also involved as confederates or co-accused. In such cases the Delhi Special Police Establishment will be duly informed and will assist the provincial agency in completing the investigation if necessary.



(3) The provincial anti-corruption agency may, however take immediate action in cases in respect of Central Government employees under the following circumstances:—

- (i) Where a trap has to be laid to catch a Central employee red-handed and there is no time to contact any representative of the Delhi Special Police Establishment. In such cases the trap may be laid and the investigation completed. The Delhi Special Police Establishment should, however, immediately be informed.
- (ii) Where there is likelihood of destructions or suppression of evidence if immediate action is not taken, the provincial agency shall take necessary steps to secure the evidence and promptly hand over the case to the Delhi Special Police Establishment for further investigation.

(4) Before taking up formal enquiries against servants of the Central Government the provincial agency shall obtain necessary instructions from the head of the department through the Deputy Inspector-General, Delhi Special Police Establishment.

(5) All cases against Central Government employees which are investigated by the provincial agency and in which it is necessary to obtain sanction and or consent of the Governor General, shall be forwarded to the Deputy Inspector General, Delhi Special Police Establishment, who shall take necessary steps to obtain the sanction, etc.

(6) Cases of Central Government employees investigated by the provincial anti-corruption agency in which sufficient evidence is not available to warrant criminal prosecution, but where there is enough material for taking departmental action, shall be reported to the Government of India through the Deputy Inspector General, Delhi Special Police Establishment who shall inform the provincial agency of the action taken by the department concerned.

(7) In cases relating to breach of Provincial Government orders which are to be investigated by the provincial agency and which involve lengthy and protracted investigation spread beyond the boundaries of the Province, the provincial agency may seek the assistance of the Delhi Special Police Establishment, if required. For this purpose the investigating Officer shall contact the Superintendent of Police, Delhi Special Police Establishment Kotah House Hutments New Delhi (18, Daryaganj, Delhi) and inform him of the nature of

the assistance required and the latter shall render all possible assistance.

(8) As a general principle members of the Delhi Special Police Establishment and the provincial anti-corruption agency will render mutual assistance in the performance of their duties so far as it lies within the power of one to assist the other irrespective of the fact whether one party has any interest in any particular case or not. In order to save time and to prevent unnecessary correspondence the provincial agency shall refer all matters to the Superintendent of Police, Delhi Special Police Establishment, Delhi who is the Officer directly responsible for enquiries in the United Provinces on behalf of the Delhi Special Police Establishment.

It is understood that this arrangement has received the approval of the United Provinces Government, and on this undertaking the Government of India concur in it.

---

*Copy of letter No. 22|12|48-SPE dated 8th November, 1948 from Deputy Secretary, Ministry of Home Affairs to Chief Secretaries to all the Provincial Governments.*

---

I am directed to forward a copy of this Ministry's letter No. 31|1|46-SPE, dated the 13th March, 1947, to the Government of the United Provinces, in which the procedure to be followed to avoid overlapping of work between the Delhi Special Police Establishment and the Provincial Police has been laid down with the concurrence of the Provincial Government and to request that if the Government of Madras etc. have no objection, they may also concur in this procedure in regard to the investigation of cases that may arise in their Province and issue necessary instructions to their Police Officers in this behalf. The action taken may please be intimated to this Government in due course.

---

*Copy of D.O. letter No. 21|8|63-GD dated the 5th October, 1963 from Shri D. P. Kohli, Director of Central Bureau of Investigation to Inspectors General of Police of all States.*

---

This is to invite your attention to the Government of India Resolution No. 4|31|61-T dated 1st April, 1963 about the establishment of the Central Bureau of Investigation. A copy of that Resolution may have already reached you through your State Government, but I am enclosing a copy herewith for ready reference.

2. The C.B.I. is to consist of six Divisions as mentioned in the Resolution. The charter of functions is given in the Annexure thereto. In certain spheres the main, rather the sole, purpose of the C.B.I. is to be of help and assistance to the State Police Forces. This applies particularly to the Crime Records and Statistics Division and the Research Division. In taking up investigations of certain specified categories of serious offences having ramifications in more States than one, the Investigation Division will also prove useful to the States. The services of the Technical Division and the Legal Division will be available to the States to the extent possible and required. The C.B.I. Gazette to be issued by the General Division will have sections containing material of particular States will also be eligible to attend the Training Courses organised by the C.B.I. The States may thus be interested in the work of all the Divisions of the C.B.I. except the Administration Division. To enable the States to take full advantage of the C.B.I. a brief outline of its organisation and set up is given in the following paragraphs. The procedure to be followed in making reference to it is also described, particularly concerning the Investigation and Anti-corruption Division whose functions overlap those of the State Police to some extent.

3. The Headquarters of the C.B.I. are located in Delhi and the Heads of all its Divisions are stationed here. Except the Investigation and Anti-corruption Division the Divisions have no Branches outside Delhi. References regarding the work of these Divisions viz., The Crime Records and Statistics Division, the Research Division, the Technical Division, and the Legal and General Division should all be made to the C.B.I. Headquarters at Delhi, Letters may be addressed to the Director, C.B.I., but it would expedite matters if the name of the Division to which the subject matter relates is also mentioned in the address. The Crime Records and Statistics Division and the Research Division will be placed directly under a Deputy Director and letters could be addressed to him also in so far as the work of these Divisions is concerned.

4. The Investigation and Anti-corruption Division has a number of Branches all over the country. Their locations and jurisdictions are given in the attached statement. An officer of the rank of Joint Director and Addl. I.G. police with headquarters at Delhi is in immediate charge of the work of this Division. Matters relating to this Division requiring attention at its Headquarters may be addressed to him or to the Director C.B.I.

5. The Annexure to the Government Resolution shows the types of cases which are to be taken up for investigation by the C.B.I.

The authority of the C.B.I. to investigate offences is derived from the Delhi Special Police Establishment Act, 1946. The Delhi Special Police Establishment set up under this Act actually constitutes the Investigation and Anti-corruption Division of the C.B.I. which may also be known in short as the S.P.E. Division. This Division can investigate only those offences which are notified under section 3 of the D.S.P.E. Act, 1946. An up-to-date list of the offences which have been notified by the Government of India under this section is enclosed herewith. While making a request to the C.B.I. to take up any case for investigation it has to be ensured that at least one of the offences involved is included in this list. It is not necessary that all the offences involved should be notified. If one, and particularly the main offence, is included in the notification issued under section 3 of the D.S.P.E. Act, the case can be taken up by the S.P.E. Division of the C.B.I.

6. In this connection it may also be mentioned that, on account of inadequacy of staff, it is not possible for the S.P.E. Division to take up every one of the cases which might fall under the categories mentioned in the Annexure to the Government of India Resolution and which might be considered suitable for investigation by the S.P.E. Division. A certain discretion has, therefore, to be exercised in taking up cases for investigation. In some instances it may not be possible for it to take up even those cases which are committed by Central Government servants, eg. petty cases of theft, misappropriation, cheating. Such cases could be dealt with more easily and more expeditiously by the local police which has concurrent jurisdiction over these cases also.

7. For successful investigation of cases it is most essential that a decision is taken very quickly about the Agency which has to investigate them. This applies with particular emphasis to the new categories of cases which are now included within the sphere work of the S.P.E. Division of the C.B.I. References about cases which are to be entrusted to this Division of the C.B.I. should be made as soon as possible by State police; similarly cases which the S.P.E. Division feels should be handled by the local police should be entrusted to it without any delay. This could be ensured by authorising District Superintendents of Police and C.I.D. Superintendents of Police to liaise and correspond directly with Superintendents of Police of the S.P.E. Branches concerned and *vice-versa*. In case of any difficulty or disagreement the matter could be settled at a higher level between the D.Is. G. concerned or between the state I.G.P. and the Director, C.B.I. or the Jt. Director and Addl. IGP, SPE.

8. In respect of cases involving Public Servants or Public Concerns there is already an administrative arrangement and under-

standing between the S.P.E. and the State Police about the manner in which they are to be dealt with so as to avoid difficulties and delays. The existing procedure and practice which are described below may continue to be followed in future also:

- (i) Cases which are substantially against employees of the Central Government or are in respect of matters concerning the affairs of the Central Government will be investigated by the S.P.E. Division in spite of the fact that certain employees of the State Government may also be involved. The State Police will, of course, be informed of such cases and will render necessary assistance to the S.P.E. during investigation.
- (ii) Cases which are substantially against employees of the State Government or are in respect of matters concerning the State Government will be investigated by the State Police even if certain employees of the Central Government are also involved in them. In such cases, the S.P.E. Division will be duly informed by the State Police and will assist the State Agency in completing the investigation, if so required.
- (iii) where a trap has to be laid against an employee of the Central Government and there is no time to contact any representative of the S.P.E. Division, the trap may be laid by the State Police. The S.P.E. Division should, however, be informed immediately and it should be decided in consultation with them whether the further investigation should be carried on and completed by the State Police or by the S.P.E.
- (iv) Where there is likelihood of destruction or suppression of evidence if immediate action is not taken, the State Police may take necessary steps to secure the evidence. They may register a case, if necessary, for this purpose. Thereafter, the case should be handed over to the S.P.E. Division for further investigation.
- (v) Similar action, as mentioned in (iii) and (iv) above, may be taken by the S.P.E. in similar circumstances in respect of cases which should normally be handled by the State Police.
- (vi) Information about cases involving Public Servants of the Central Government which are being investigated by the State Police should be sent by them to the Head of the

Department and/or the Office concerned as early as possible after the case is started but before a charge-sheet or a Final Report is submitted. A copy thereof should be sent to the S.P.E. Division also.

9. In respect of cases of the new categories also, which are now to be given to the C.B.I., a working arrangement will be necessary. This will develop in due course in the light of experience gained in processing actual cases. Meanwhile, the spirit and principles underlying the above arrangement and procedure could, *mutatis mutandis*, be kept in view and followed with advantage in dealing with cases of the new categories also. Given goodwill and cooperation on all sides the C.B.I. will, I feel sure, soon develop into an instrument of as real service to the States as to the Centre.

## APPENDIX IV

(See Para 2.8)

**Statement showing Territorial Jurisdiction of the various Branches of the General Offences Wing of the Delhi Special Police Establishment Division of the Central Bureau of Investigation.**

Sr. No.	Name of Branch	Jurisdiction
1	2	3
1	Central Investigating Agency, I, II.	Throughout India.
2	Fraud Squad I . . . . .	Throughout India.
3	Special Unit . . . . .	Throughout India.
4	Ambala . . . . .	States of Pnujab and Haryana, and Union Territories of Himachal Pradesh & Chandigarh.
5	Delhi . . . . .	Union Territory of Delhi.
6	Jaipur . . . . .	State of Rajasthan.
7	Lucknow . . . . .	State of Uttar Pradesh.
8	Jabalpur . . . . .	State of Madhya Pradesh.
9	Madras . . . . .	State of Madras, and Union Territories of Laccadive, Minicoy and Amindivi islands and Pondicherry.
10	Bangalore . . . . .	State of Mysore.
11	Hyderabad . . . . .	State of Andhra Pradesh.
12	Bombay . . . . .	State of Maharashtra and Union Territory of Goa, Daman and Diu.
13	Ahmedaba . . . . .	State of Gujarat and Union Territory of Dadra and Nagar Haveli.
14	Calcutta . . . . .	State West Bengal and Union Territory of Andaman and Nicobar islands.
15	Shillong . . . . .	States of Assam and Naga land & Union Territories of Manipur and Tripura.

---

1	2	3
16	Patna . . . . .	State of Bihar.
17	Bhubaneshwar . . . . .	State of Orissa.
18	Jammu . . . . .	State of J. & K.
19	Ernakulam . . . . .	State of Kerala.
20	Ranchi . . . . .	Public Undertakings in South East Bihar, West of West Bengal, North of Orissa and North East of Madhya Pra- desh.

---



## APPENDIX V

(See Para 2.14)

*Note showing the functions of Central Bureau of Investigation*

1. The purposes for which this CBI is constituted are as under:—
  - (i) the investigation of offences specified by the Central Government under section 3 of the Delhi Special Police Establishment Act, 1946 (XXV of 1946);
  - (ii) investigation of or assistance in respect of, offences having international ramifications;
  - (iii) the collection of intelligence relating to certain types of crime;
  - (iv) the participation in the work of the National Central Bureau and the International Criminal Police Organisation and the United Nations Organisation Reports for crime;
  - (v) the maintenance of crime statistics and dissemination of information relating to crime & criminals;
  - (vi) the study of specialised crime of particular interest to the Government of India or crimes having all-India or Inter-State ramifications or of particular importance from the social point of view;
  - (vii) the conduct of police research; and
  - (viii) the co-ordination of laws relating to crime.
2. The following nine Divisions comprise the Bureau:—
  - (i) Delhi Special Police Establishment Division:—
    - (a) General Offences Wing,
    - (b) Economic Offences Wing,
    - (c) Food Offences Wing,
  - (ii) Legal Division;
  - (iii) Policy Division;
  - (iv) Technical Division;
  - (v) Crime Records Division;
  - (vi) Statistics Division;
  - (vii) Research Division;

- (viii) Interpol Division; &
- (ix) Administration Division.

3. In certain spheres the main purpose of the Central Bureau of Investigation is to be of help and assistance to the State Police Forces. This applies particularly to the Crime Records, Statistics and Research Division. In taking up investigations of certain specified categories of serious offences having ramifications in more States than one. The Delhi Special Police Establishment Division can prove useful to the States. The services of the Technical and the Legal Divisions are also available to the States to the extent possible and required.

4. The following types of cases are to be taken up for enquiry/ investigation by the Delhi Special Police Establishment Division:—

(a) *General Offences Wing*

- (i) Cases in which public servants under the control of the Central Government are involved either by themselves or along with State Government servants and/or other persons.
- (ii) Cases in which the interests of the Central Government or of any public sector project or undertaking, or any statutory corporation or body set up and financed by the Government of India are involved.
- (iii) Cases relating to breaches of Central Laws with the enforcement of which the Government of India is particularly concerned, viz.,
  - (a) Passport frauds;
  - (b) Offences under the official Secrets Act, pertaining to the affairs of the Central Government; and
- (iv) Serious cases of cheating or fraud relating to the Railways or Posts and Telegraphs Department, particularly those involving professional criminals.
- (v) Crime on High Seas.
- (vi) Crime on the Airlines.
- (vii) Important and serious cases in Union Territories particularly those by professional criminals.
- (viii) Other cases of a serious nature, when committed by organised gangs or professional criminals, or cases having ramifications in several States including the Union

Territories, important cases of kidnapping of children by professional inter-State gangs, etc. Cases under this category will be taken up only at the request of or with the concurrence of, the State Governments/Union Territory Administrations concerned.

- (ix) Collection of intelligence about corruption in the public services and the projects and undertakings in the public sector under the control of the Central Government.
- (x) Prosecution of cases investigated by this Wing.
- (xi) Presentation of cases before Enquiry Officers in which departmental proceedings are instituted on the recommendation of this Wing.

(b) *The Economic Offences Wing*

The following is the charter of functions of Economic Offences Wing according to the Ministry of Home Affairs Resolution No. 24/66/64-AVD, dated 29th June, 1964:—

“Apart from cases which it takes up at its own initiative, the Economic Offences Wing will conduct enquiries and investigation into such economic offences as may be entrusted to it either by the Ministry of Finance or by the Director, Central Bureau of Investigation. In particular, the following categories and types of cases will be dealt with by this division:

- (a) Cases under the Customs Act, the Central Excise Act, the Income Tax Act, the Opium and Dangerous Drugs Act, the Company Law Act and the Gold Control Rules and other similar enactments involving economic offences;
- (b) Cases of smuggling having wide ramifications or international connections.
- (c) Important cases of Income Tax evasion.

The Division will also collect intelligence of its own and investigate into them.

After investigation, depending on the availability of material, the Economic Offences Wing will—

- (a) prosecute cases in Courts of Law;
- (b) refer cases for adjudication proceedings or to tribunals;

- (c) refer cases for such action as deemed fit; or
- (d) close the case".

The above charter of function was issued with the concurrence of the Ministry of Finance.

(c) *Food Offences Wing*

The Food Offences Wing was created for the limited purpose of collecting intelligence regarding hoarding, black-marketing, smuggling and profiteering and passing it on to the Special Units set up for cases of hoarding and smuggling with inter-State ramifications. The other function given to the FOW was to coordinate and consolidate the reviews of work done by the State Special Units and received in the FOW. The strength of FOW has since reduced and the scope of its functions narrowed down. It now takes up cases of the following type:—

- (i) Investigation of only those cases relating to food which have inter-State ramifications and which are referred to it either by a State Government or by the Central Government;
- (ii) Consolidation of reports received from the State Police Forces about the enforcement work done by them in enforcing the food laws; and
- (iii) Undertaking special enquiries on specific points relating to food which it may be asked to do either by the Ministry of Food or by the Ministry of Home Affairs.

5. *Legal Division:* The functions of the Legal Division are as follows:—

- (i) Legal advice in cases investigated by the Delhi Special Police Establishment Division.
- (ii) Conducting prosecution in important cases.
- (iii) Review of judicial decisions relating to criminal law and procedure for publication in the Central Bureau of Investigation Gazette.
- (iv) Compilation and circulation of Law Digest.
- (v) Inadequacy of and amendments to laws.
- (vi) Co-ordination of laws relating to crime in various States.
- (vii) Correspondence with Ministries & States on legal matters, amendments of law, etc.

(viii) Arrangements in States for representation in Courts in Delhi Special Police Establishment Division cases and appointment of Special Judges and Special Magistrates.

6. *Policy Division*: The Policy Division looks after the following subjects:—

- (i) Matters relating to organisation, policy and procedure.
- (ii) Periodical, Special and Annual Reports regarding the working of the Central Bureau of Investigation.
- (iii) Appreciation reports regarding modes of corruption in various Government Departments and Public Undertakings, and Vigilance Schemes.
- (iv) Special Programmes and plans.
- (v) Correspondence with Ministries and States on general questions relating to Policy, procedure, etc.
- (vi) Inter-State Conferences relating to anti-corruption work.
- (vii) Central Bureau of Investigation Gazette.

7. *Technical Division*: The functions of the Technical Division are as follows:—

- (i) Technical assistance in investigation of cases involving accounts.
- (ii) Specialised assistance in cases involving Railway and Postal Accounts.
- (iii) Assistance in cases involving assessment of Income tax, Estate Duty, etc.
- (iv) Examination of Accounts and assets, etc., in cases relating to allegations of disproportionate assets.
- (v) Examination of cases investigated by the Bureau which have an Income-tax aspect, and communication of such information as would enable the Income tax Department to recover evaded tax.

8. *Crime Records Division*: The functions of Crime Records Division are as follows:—

- (i) Collection and dissemination of information relating to Crimes and Criminals of inter-State or inter-national importance.
- (ii) Collection and maintenance of information relating to Counterfeit currency and coinage.
- (iii) Maintenance of comprehensive indices for references.

The Crime Records Division of the Central Bureau of Investigation is the agency which undertakes the collection, classification and dissemination of information about inter-State and International Criminals. The Division also studies the all-India trends in thefts and losses and recoveries of fire-arms and ammunition, and note-forgery and counterfeit coining.

9. *Statistics Division*: The broad functions of Statistics Division are as follows:—

- (i) Bringing out all India crime statistics in the form of reports and reviews.
- (ii) Study of all India trends in thefts and losses and recoveries of fire arms and ammunition and note-forgery and counterfeit coining.
- (iii) Interpretation of statistical data for research work.
- (iv) Liaison work for supplying of crime statistics to outside agencies such as ICPO and other work institutions.

10. *Research Division*: The main tasks of this Division are to examine problems of police organisations, its methods, techniques and procedures and to conduct research in matters relating to crime and its prevention.

The important functions may be enumerated as under:—

- (a) Analysis and study of specialised crimes and of problems of a general nature affecting the Police e.g.—
  - (i) trends and causes of serious crimes in different areas;
  - (ii) preventive measures, their effectiveness and relationship with crime;
  - (iii) improvement in methods of investigation, utility and result of introducing scientific aids and equipment;
  - (iv) inadequacy of laws and co-ordination of laws relation to crime in various States;
  - (v) criminal gangs operating in more than one State—wandering gangs—Ex-criminal Tribes habitual offenders;
  - (vi) crime amongst the Tribal people;
  - (vii) inter-State note-forgery and counterfeiting;
  - (viii) social factors in crime;
  - (ix) industrialisation and crime;
  - (x) juvenile delinquency;

- (xi) kidnapping of women and children.
- (b) Participation in or sponsoring Conferences concerning Crime.
- (c) Cooperation and coordination with other institutions, sponsoring seminars, symposia meetings etc., on subjects of Police interest.

11. *Interpol Division:* India joined the International Criminal Police Commission in 1938. In 1956 its name was changed to International Criminal Police Organisation Interpol. In March, 1949 Director, Intelligence Bureau was appointed India's representative on Interpol but when the Central Bureau of Investigation was set up by Ministry of Home Affairs Resolution No. 4/31/61-T, dated 1st April, 1963, it was assigned the duties relating to the participation in the work of the ICPO-Interpol and the National Central Bureau. It was however, only after the Government of India nominated the Director, Central Bureau of Investigation, as the permanent representative in October, 1966 that the work relating to the Interpol was actually transferred to the Central Bureau of Investigation. No staff was, however, sanctioned for this purpose.

In order to participate in the activities of the ICPO-Interpol, each country sets up a Central Police Agency, which is referred to as National Central Bureau (NCB).

The main function of the National Central Bureau in India i.e. the Central Bureau of Investigation is to maintain regular liaison with ICPO-Interpol and other National Central Bureaus of member countries by communicating to them information on crimes and criminal and by disseminating information similarly received from them. It also maintains indices and records of International criminals and crimes of interest to the country. In this process a steady stream of correspondence flows between the ICPO-Interpol and other NCBs on the one hand and the State Police units, the various Ministries and Departments of the Government of India including the Ministry of External Affairs, the Central Finger Print Bureau, the National Policy Academy, the Passport Department, the Ministry of Finance (Revenue Intelligence) and the Commissioner of Narcotics on the other, through the Agency of the National Central Bureau of India i.e., the Central Bureau of Investigation. It has also to keep in touch with border

checkposts and the Deputy Inspectors General, Criminal Investigation Department to keep them informed about the movements of International criminals. Apart from normal day to day collection and dissemination of criminal intelligence, the National Central Bureau also has to submit periodical statements on various aspects of crime and collect and submit material for research and study for development of Police techniques and procedures. Another important function of the National Bureau is to participate in the Annual General Assembly Sessions of the ICPO, brief the delegates attending the International Conferences and take follow up action on the Resolution adopted in the Sessions of General Assembly. It has also to collect statistical information from India for publication by the ICPO. Considerable amount of work is also involved in the coding and decoding of cablegrams/telegrams and messages for dissemination of information by the quickest means to all concerned. The important functions of the National Central Bureau may be summarised as under:—

- (i) Verification of criminal antecedents.
- (ii) Preparation of subject files for ICPO Conference.
- (iii) Follow up action on resolutions.
- (iv) Circulation of Interpol notices.
- (v) Indexing of criminals.
- (vi) Codification of information for data processing equipment.
- (vii) Correspondence with Directorate of Revenue Intelligence, Narcotics Commissioners, State Police Force and Officers of Government of India.
- (viii) Arranging for enquiries in foreign countries in cases being investigated in India by various Police forces and Enforcement Agencies and correspondence relating to them.
- (ix) Arranging for enquiries in India into references received from foreign countries and correspondence about this.
- (x) Assisting in extradition of criminals.

12. *Administration Division*: The Administration Division of the Central Bureau of Investigation is the house keeping division and looks after all matters effecting personnel, establishment and accounts of all the Divisions of the Central Bureau of Investigation.

---



APPENDIX VI

(See Para 2.19)

Comparative Statement showing sanctioned strength of the Delhi S. P. E. as on 31-3-1963 and of C. B. I. (excluding Forensic Science Laboratory) as on 1-4-1968.

Post	No. of posts in Delhi S.P.E. as on 31-3-1963	No. of Posts in C. B. I. as on 1-4-1968											Grand Total for C. B. I.	
		S. P. E. Division			Total	Admn. Divn.	Legal Divn.	C & R Divn.	Tech. Divn.	Policy Divn.	I	II		12
		GOW	HOW	FOW										
1	2	3	4	5	6	7	8	9	10	11	12			
Director/IGP (3250/- fixed for I. P. officers).	—	1	—	—	1	—	—	—	—	—	—	1		
Jt. Dir./IGP. 2500—3000 2500—2750	—	1	1	—	2	—	—	—	—	—	—	2		
Addl. Dir./IGP. 2500—3000 2250/-	1	—	—	1	1	—	—	—	—	—	—	1		
Dy. Dir./DIG 1600—1800 + 200 SP.	2	7	—	1	8	1	—	1	—	—	—	11		

	1	2	3	4	5	6	7	8	9	10	11	12
ACG/SP. 820—1250 Sr. IPS Scale + 200/- SP.		19	29	5	4	38	—	—	3	—	1	42
Dy. S. P. 400—900.		36	83	13	7	103	—	—	6	—	—	109
Inspector 355—575.		186	318	37	19	374	—	—	3	—	—	377
S. I. 210—320.		59	120	16	8	144	—	—	1	—	—	145
A. S. I. 150—216.		44	90	6	—	96	—	—	—	—	—	96
Head Constable. 110—155.		41	80	5	—	85	3	—	2	—	—	90
Foot Constable. 85—100.		596	813	96	53	962	26	7	12	—	7	1074
Sr. P. P. 590—900.		17	26	4	—	30	—	—	—	—	—	30
P. P. 355—575.		25	46	8	—	54	—	—	—	—	—	54
A. P. P. 210—320.		14	14	—	—	14	—	—	—	—	—	14
Legal Adviser 1100—1800.		1	—	—	—	—	—	1	—	—	—	1
Addl. L. A. 1100—1800.		1	—	—	—	—	—	1	—	—	—	1
Dy. L. A. 1060—1300		1	—	1	—	1	—	2	—	—	—	3



	1	2	3	4	5	6	7	8	9	10	11	12
U. D. C./Munim 130-280 130-300		126	203	31	13	247	18	1	7	2	3	278
L. D. C. 110-180.		160	179	26	2	207	22	1	11	1	3	245
Steno-typist 110-180 +20 S. P.		2	4	—	—	4	—	—	3	1	—	8
Class IV (Gest. Operator, Daftry, Peon, Seewper).		50	28	5	1	34	17	—	2	1	1	55
Caretaker 130-280		1	—	—	—	—	—	—	—	—	—	—
A. S. O. 400-900.		—	—	—	1	1	—	—	—	—	—	1
Asst. Inf. Off. 350-800.		—	—	—	—	—	—	—	—	—	1	1
Statistical Officer 400-950.		—	—	—	—	—	—	—	1	—	—	1
Asst. Librarian 210-425.		—	—	—	—	—	—	—	1	—	—	1
Accountant 210-530.		—	—	—	—	—	1	—	—	—	—	1
Jr. Accountant 130-300.		—	—	—	—	—	1	—	—	—	—	1
	1432	2074	259	116	2449	109	62	15	26	2690		

## APPENDIX VII

(See Para 5.43)

*Statement showing the Location of Special Judges/Magistrates in various States for trial of Central Bureau of Investigation cases.*

Name of the State	Location of the Court of Special Judges.	Location of the Courts of Special Magistrates.
1	2	3
Jammu and Kashmir	Nil	Two Part time. One at Jammu and other at Srinagar.
Punjab	One Part time at Patiala.	One whole time at Patiala.
Haryana	One part time at Ambala.	One Part-time at Ambala.
Gujarat	Two Part-time both at Ahmedabad.	Two Part-time both at Ahmedabad.
Himachal Pradesh	Nil	One full-time at Kasumpti (Simla)
Madhya Pradesh	Two Part-time . One at Jabalpur and other at Indore.	Three Part-time at Jabalpur, Indore and Satna.
Bihar	One Full-time at Patna.	One Part-time at Patna.
Rajasthan	Two full-time both at Jaipur.	One Part-time at Jaipur
Maharashtra	Two Part-time both at Bombay.	One Presidency Magistrate Part-time at Bombay.
Assam	Two Part-time One at Gauhati and other at Shillong.	One Part-time at Shillong.
Madhya Pradesh	One Part-time at Imphal.	Nil
Tripura	One Part time at Agartala.	Nil
Orissa	One Part-time at Puri.	One Part time at Bhubaneswar.

1	2	3
Uttar Pradesh	Two full time at Lucknow	One Part-time all at Lucknow.
Madras	Two part-time both at Madras.	Three Part-time all at Madras.
Mysore	One full time at Bangalore.	One Part-time at Bangalore.
Andhra Pradesh	One Part-time at Hyderabad.	One Part-time at Hyderabad.
Delhi	One full time.	Three Part-time and one full time.
West Bengal	One Part time Special Unit.	There is no Special Magistrate. The cases are allotted by C.P.M. in Calcutta and by D.M. in districts.

## APPENDIX VIII

Summary of Recommendations|Conclusions contained in the Report.

Sl. No.	Reference to para No. of the Report	Summary of Recommendations†Conclusions.
1	1.10	The CBI at present derives its legal power of investigation from the Delhi SPE Act, 1946 under which its Investigation Division—called the Delhi SPE Division—is empowered to investigate offences, notified by the Central Government, in the States with the consent of the Governments of those States. Thus, if a State Government does not consent to the jurisdiction of the CBI over that State in respect of any offence, the CBI will not be able to investigate cases even against Central Government servants or cases relating to Central Acts within the territorial limits of that State. Moreover, the CBI's non investigation Divisions like Crime Records, Statistics, Research and Policy Divisions, depend for the exercise of their functions upon the assistance extended by the State Police. There being no legal basis for these Divisions, such assistance has been forthcoming on an informal basis and is dependent on the goodwill of the Inspectors General of Police of the States. In the circumstances, the Committee feel that it is necessary to give a statutory basis to the CBI in order to place it on a firmer and sounder footing.
2	1.24	<p>The Committee feel that the possibility of a divergence of opinion between the CBI and the State Police is inherent in the existing administrative understanding and working arrangement even though some guidelines have been laid down in regard to the type of cases to be handled by the CBI and communicated to State Governments. The fact that no difficulty in this regard has been felt so far does not rule out this contingency in future. There is also a possibility of overlapping of work between the two agencies inasmuch as the working arrangement depends merely on the good-will and cooperation of the parties.</p> <p>The Committee recommend that, in the interest of smooth working and to avoid duplication of effort and overlapping of functions, the jurisdiction of the</p>

---

1	2	3
		CBI and the State Police should, as far as possible, be demarcated by making a provision in the proposed bill on CBI to that effect.
3	1.29	The Committee hope that the arrangements arrived at between the Ministries of Home Affairs and Finance in regard to the sphere of activity of the Economic Offences Wing of the CBI vis-a-vis those of the enforcement agencies under the Ministry of Finance as a result of discussions held at a series of meetings in May, 1968, will lead to a harmonious and concerted approach in dealing with cases. The Committee would, however, like Government to keep a close watch on actual implementation of the arrangements by the parties so as to ensure its successful working.
4	1.30	The Committee note that notwithstanding the issue of Standing Order No. 3/87 regarding the sphere of work of the Economic Offences Wing in consultation with the Ministry of Finance, differences continued to occur between the CBI and the enforcement agencies under the Ministry of Finance. They feel that the possibility of difference of opinion in regard to individual cases is inherent under the existing arrangements. The only sure way to avoid conflict of jurisdiction and duplication of effort would be for the Government to lay down precisely in consultation with each of the Ministries concerned, the jurisdiction of the CBI vis-a-vis that of the enforcement agencies under those Ministries, preferably in the proposed Bill on CBI so that they all act in concert and not in conflict with one another and do not develop a rivalry complex amongst themselves.
5	2.13	The Committee are not convinced by the reasons advanced for following different procedures for setting up the Economic Offences Wing and the Food Offences Wing of the Delhi Special Police Establishment Division. They note that Food Offences Wing, like the Economic Offences Wing, had also been investigating and prosecuting cases, though on a restricted scale. They consider that in the case of the Food Offences Wing also, Government should have issued a Resolution laying down precisely the objectives, functions and jurisdiction of this Wing for the information of the public.
6	2.17	The Committee suggest that early steps should be taken to rationalise the work of the various non-

---



1	2	3
		investigation Divisions of the CBI. In this connection, they would like to point out that, in building up the organisation of the CBI, undue reliance should not be placed on the organisational structure of the Federal Bureau of Investigation or Scotland Yard as the purposes and functions of these organisations are admittedly different from those of the CBI.
7	2.24	The Committee recommend that the Staff Inspection Unit of the Ministry of Finance should independently make a special study of the work load of the CBI and the staff needed to handle the same.
8	2.25	They also recommend that the CBI should have a separate O&M Unit entrusted with the function of scrutinising all proposals for increase in staff, conducting studies in work procedures and periodically reviewing the performance of the various units of the CBI. The proposed O & M Unit should be headed by an officer of sufficiently high rank and be composed of personnel specially trained in O & M/Work Study. The CBI may for this purpose avail of the training facilities provided by the Ministry of Finance and other expert bodies in the field.
9	2.29	The Committee regret that even though the Delhi Special Police Establishment has been in existence for the last 26 years and the CBI for the last 6 years, it has not been possible to finalise the recruitment rules for all the posts in the CBI. The Committee recommend that recruitment rules in respect of all the posts in the CBI should be finalised and issued without delay.
10	2.34	The Committee recommend that subjects for research and studies by the CBI should be such as have a close bearing on the functions and activities of the CBI and the research/study should not be merely of an academic character but should have an operational bias showing how modern crime detection methods could be applied in the area dealt with so that the research/study could be of use to the CBI in tackling the problems that come in the way of performance of its duties.
11	2.35	The Committee also suggest that the Police Research Advisory Council should meet more often and at regular intervals, evaluate the researches/studies made by the CBI so far, select the subjects on which research study should be undertaken by the CBI and lay down the purposes and direction of the research/study.

---

1	2	3
12	2.46	The Committee note that the percentage of posts filled up by deputation varies from 30 per cent in the case of Sub-Inspectors to 100 per cent in the case of Director/Additional Director/Joint Director. The Committee further note that recruitment has also been made directly to certain grades in the Central Bureau of Investigation. They suggest that the percentage for filling posts by deputation may be reviewed in the light of requirements at intervals of say 3 to 5 years.
13	2.47	The Committee also note that one of the main reasons advanced for taking persons on deputation is that they have filed experience and can be reverted to the parent cadre if not found quite suited to the requirements of the organisation. By the same token, it would not be desirable to extend the deputation period of officers for unduly long periods as there is a risk of their developing a vested interest. The Committee, therefore, suggest that the position regarding deputationists should be kept under review closely in the light of their performance.
14	2.48	The Committee consider that the existing arrangement for taking persons on deputation with the CBI or for extension of the term of their deputation needs to be improved. They recommend that CBI should have a properly constituted Establishment Board/Committee to consider such cases with atleast one Member from the Ministry of Home Affairs.
15	2.53	The Committee recommend that the course of training for police officers in the Economic Offences Wing of the Delhi Special Police Establishment Division of the CBI should have wider coverage of subjects and be of a longer duration. The Committee hope that curriculum for this course would be revised suitably in consultation with the appropriate agencies of the Ministry of Finance and other Ministries concerned.
16	3.12	The Committee note that procedure for registration of cases has been rationalised recently and that references to Headquarters are now required to be made only in the cases of Members of Parliament or of State Legislatures, Gazetted Officers, Commissioned Officers, prominent persons etc. The Committee suggest that in the light of experience gathered in the registration of cases,

---

---

1	2	3
---	---	---

---

suitable guidelines may be laid down. A watch should also be kept to ensure that such references received for registration of cases are expeditiously disposed of.

- 17      3.15      The Committee note that inspite of the recommendations of the Enquiry Committee on the Special Police Establishment (1949—52), and the instructions issued by Government in pursuance thereof, the CBI continue to engage themselves on trivial and petty cases. The Committee recommend that the instructions already issued by Government in this regard should be strictly followed to ensure that the capacity and resources of the CBI, which are by no means unlimited, are available for exposing cases of magnitude and imporatnce including any big corruption in high places.
- 18      3.18      The Committee feel that there is need for a more vigorous drive on the part of the Ministry of Home Affairs to publicise the functions of the CBI and the methods of their working so that common people could utilise the machinery provided by it for exposing and eradicating corruption and corrupt practices from public life. They feel that CBI should produce their brochures, pamphlets and publicity material in the regional languages also for local distribution by the Branches, the CBI should also make greater use of the media of Radio, Film and the Press for publicising their activities.
- 19      3.19      The Committee would also suggest that at the Branch level as well as at the Headquarters level, the CBI should arrange periodical meetings and hold discussions with representatives of the public at which suggestions for improving the working of the CBI may be invited and the cooperation of the public sought in mobilising opinion against corruption in public services.
- 20      4.2      The Committee are of the opinion that adequate arrangements for collection of intelligence relating to corrupt practices in various Ministries/Departments/Public Undertakings would not only lead to a greater detection of cases of corruption but would also enable the Central Bureau of Investigation in many cases to pass on information to the concerned authorities which might prevent loss to Government. They feel that the work in the field of collections of intelligence should be intensified. They would therefore like that arrangements for collection of intelligence should be streng-
-

1

2

3

thened by deployment of staff commensurate with the work load and due importance attached to this function of the Central Bureau of Investigation.

The Committee need hrdly stress that in the matter of collection of intelligence there should be close coordination between the Central Bureau of Investigation and State Intelligence Departments.

21

4.7

The Committee find that, while the original idea was to set up a small cell particularly for collection of intelligence regarding hoarding, black-marketing, smuggling and profiteering and for passing it on to the State Police, what actually came to be set up was a full-fledged organisation called the Food Offences Wing having, apart from the set up at the Headquarters, 15 Branches located in the various States. Headed exclusively by an Additional Director of the rank of Special Inspector General, this Wing had an overall sanctioned executive staff strength of 180. It was thus conceived as an organisation almost as big as the Economic Offences Wing which had a sanctioned executive staff strength of 179 (as on 1st April, 1968) and was headed by a Joint Director.

Notwithstanding the trappings of a full-fledged Wing, the performance of the Food Offences Wing has been, even in the sphere of collection of intelligence, unimpressive. The figures furnished to the Committee show no activity at all on the part of the Wing in this field during 1964 and 1965. The performance during 1966 also has been far from satisfactory. In the field of investigation, the performance of this Wing is still more disconcerting.

The Committee consider that the setting up of the Food Offences Wing was without any prior planning as regards the work required to be done by it. The reason advanced for the poor performance in the Review of the activities of this Wing made in early 1968 also corroborates this. The result was that after 4 years of a near dormant existence, the Wing had to be merged with the Economic Offences Wing. The Committee feel that if the Wing had been set up under a Government Resolution instead of by an executive order as was the case with the Economic Offences Wing, perhaps a greater amount of thought and scrutiny would have attended its creation.

1

2

3

The Committee hope that Government will learn a lesson from the unhappy experience in this regard and in future not set up organisations without adequate planning.

They also hope that the remnant staff of the erstwhile Food Offences Wing which is now a part of the Economic Offences Wing will now be gainfully employed.

22 4.10

The Committee are of the view that the following categories of cases are really indicative of a certain stage of action by the Central Bureau of Investigation in regard to them being over:—

- (i) PEs pending conversion into RCs.
- (ii) PEs/RCs ripe for being reported for Departmental action/suitable action.
- (iii) RCs ripe for prosecution.

In view of the fact that some action in regard to these categories of cases is still required on the part of the Central Bureau of Investigation, the Committee feel that it would be more appropriate to include these cases in the relevant statement of the Annual Report in the category of cases "pending at the end of the year."

23 4.11

The Committee consider that it is not appropriate to close a case registered with the Central Bureau of Investigation in the following circumstances if the cause of action is different for, after enquiry/investigation, the case may turn out to be fit for launching prosecution of the officers involved:—

- (i) the suspect officer is convicted in some other case.
- (ii) the suspect officer has been discharged, removed or dismissed from service or has resigned.

24 4.12

They also consider that a case registered with the Central Bureau of Investigation should not be automatically closed if "a departmental enquiry has been started by the department on the basis of same allegations during the progress of enquiry." They feel that in such cases, Central Bureau of Investigation should examine whether the investigation of the case by them should have precedence over the departmental enquiry or not and take such action as may be deemed desirable in the light of such examination.

1	2	3
25	4.14	The Committee regret that the Ministry of Home Affairs should have taken a period of 4 months for approving the annual programme prepared by Central Bureau of Investigation for Vigilance and Anti-Corruption work during 1966 and in circulating the same to the Ministries concerned for implementation in cooperation with Central Bureau of Investigation. They hope that such abnormal delay will be avoided in future.
26	4.27	The Committee note that CBI have not been able to do much in discharging their responsibility for keeping a watch on undesirable contactmen or unscrupulous contractors, suppliers, firms and clearing agents who are suspected of indulging in corrupt practices because of the limited staff at their disposal. The Committee attach great importance to this part of their activity and recommend that CBI should have adequate machinery, trained manpower and resources for this purpose.
27	4.35	The Committee find that, in respect of each selected Department Public Undertaking, the C.B.I. is making three different types of studies, the objects of which are more or less the same, viz:— <ul style="list-style-type: none"> <li>(i) a study of the points and places where corruption exists in substantial measures;</li> <li>(ii) an appreciation report which also contains <i>inter alia</i> the points and places of corruption;</li> <li>(iii) a vigilance scheme for plugging the loopholes.</li> </ul> Since all these studies are closely inter-related, the same ground has to be covered over and over again. The Committee therefore, recommend that the Ministry of Home affairs should examine whether it is possible to combine these separate studies into a single comprehensive study so as to avoid possible duplication or overlapping.
28	5.8	The Committee are unhappy to note the inordinately long time being taken by Central Bureau of Investigation both in investigation at the Branch level and in the processing of the Final Report of the Branch at the Head Office. The Committee appreciate that some of the delays may be partly due to circumstances beyond the control of the Central Bureau of Investigation. They nevertheless feel that the time taken in investigation at the Branch level can be reduced if adequate supervision and control are exercised at all levels. The instructions issued to the Zonal Deputy Inspectors General that they should visit the Branches more often seems hardly sufficient to meet the situation.

1

2

3

In this connection, the Committee would recommend that:—

- (i) Central Bureau of Investigation should have a fresh look at the existing work procedures with a view to further streamline them, if possible. Reasonable time limits should be laid down for investigation and legal scrutiny of a case at the Branch level and the various stages involved in the processing of the Branch Final Report of the case at the level of the Deputy Inspector General, in the Legal Division and at other levels. The prescribed time limits should normally be adhered to. Where it is, for any reason, not possible to do so, extension of time should be applied for stating the reasons therefor and approved by the Deputy Inspector General concerned.
- (ii) The Zonal Deputy Inspectors General and Deputy Inspectors General in charge of the Branches in the metropolitan cities should be made personally responsible for the time taken in the investigation of cases by the Branches under them. The annual assessment of their work should be based on the quality and speed in different fields of activity maintained by the Branches under them. This should lead to stricter control and supervision by these officers over the work being handled in the Branches under them.
- (iii) There should be periodical meetings of the Director|Additional Director|Joint Director with each Zonal|Branch Deputy Inspector General, say once in two months, at which the progress of investigation of cases pending in the Branches under them for over one year should be reviewed. The Director|Additional Director|Joint Director should provide guidance and assistance to the Zonal|Branch Deputy Inspector General in removing the impediments to speedy investigation of such cases.
- (iv) Individual cases of delay in investigation for over one year should be reported to the Ministry of Home Affairs with reasons for the delay for their information.
- (v) Ministry of Home Affairs should take appropriate action if the delay in investigation exceeds 18 months.

1	2	3
29	5.12	The Committee are unhappy that Central Bureau of Investigation should have occasion to complain that their investigations are often hampered because of the delay on the part of the Ministries/Departments in making available to them the relevant documents and papers. According to instructions issued by the Ministry of Home Affairs and the Auditor General, the documents should be made available to the Central Bureau of Investigation normally within one month. These instructions should be strictly followed by the Ministries etc. and the Accountants General. In case any particular document or a portion thereof is required by the Ministry etc. or the Audit Office concerned, the C.B.I. should make arrangement to obtain photostat copies thereof so that investigation of the case is not held up on that account.
30	5.14	The Committee consider it of utmost importance that the opinions of technical experts are made available to the Central Bureau of Investigation expeditiously. The Committee recommend that all cases of delay beyond two months should be immediately reported by the Central Bureau of Investigation to the Ministry of Home Affairs who should then pursue such cases with the administrative Ministry concerned at a sufficiently high level.
31	5.15	They also recommend that the staff position of the technical organisations concerned with giving opinion in Central Bureau of Investigation cases, should be reviewed periodically and norms of work for different classes of experts determined.
32	5.17	The Committee have, in paragraph 2.24, already recommended that the Staff Inspection Unit of the Ministry of Finance should independently make a special study of the work load with the Central Bureau of Investigation and staff needed to handle the same. If, as a result of this study, it is found that the investigation on any other side of the Central Bureau of Investigation needs strengthening, the Committee have no doubt that Government will take prompt action to meet the situation.
33	5.24	In this connection the attention of the Committee is attracted to the opinion expressed by the Committee on Prevention of Corruption (Santhanam Committee) in para 10.47 of their Report that the scale of pay prescribed for Assistant Public Prosecutors was not adequate enough. They had suggested that, in order to secure better type of candidates for direct recruit-



1

2

3

ment, the rank of Assistant Public Prosecutor should be abolished and there should be only two ranks viz. Senior Public Prosecutor and Public Prosecutor.

The Committee regret that although the shortage of staff on the legal aide has been persisting for quite some time and holding up the progress of cases requiring legal scrutiny, so far nothing tangible has been done to remedy this situation. Evidently, the main reason for a number of vacancies both in Branches and at the Head Office in the rank of Assistant Public Prosecutor, Public Prosecutor and Senior Public Prosecutor is that on the present pay scales it is difficult to get suitable persons who have to be Law Graduates with some years' practice at the Bar. Yet it is only recently that proposals are said to have been formulated by the Central Bureau of Investigation for upward revision of the pay scales of these posts and for improving the terms and conditions of their service so as to attract suitable candidates. The Committee trust that early decision will be taken by Government on the aforesaid proposals of the Central Bureau of Investigation.

34 5.29

The Central Vigilance Commission is also concurrently under examination of the Committee. The delays taking place in the disposal of cases in that organisation have attracted the notice of the Committee and will be suitably commented upon in their report on that organisation. They, however, take this opportunity to emphasise the importance of expeditious disposal of cases by the various authorities concerned including the Central Vigilance Commission which is a vital link in the chain. They hope that Central Bureau of Investigation will in future have no occasion to cite the delay in the Central Vigilance Commission as a contributory factor in the finalisation of their cases.

35 5.88

The Committee are deeply concerned to note the large number of Central Bureau of Investigation cases pending with the Ministries/Departments for disciplinary action; quite a substantial portion of these have been pending for a long time. Apart from the fact that delays in disciplinary proceedings whittle down the deterrent effect of punishment, the more prolonged the proceedings the greater is the difficulty experienced by the witnesses and greater still is the hardship to the public servant involved. The Committee would suggest that reasonable time limits for the disposal of a disciplinary case at each stage in the Ministries should be fixed which should normally be adhered to.

1	2	3
		In exceptional cases, where it is, for any reason, not possible to adhere to the prescribed time limits, extension of time should be applied for <del>by</del> the authority concerned stating the reasons therefor and approved by the next higher authority. 15
36	5.39	The Committee understand that one of the important factors which holds up the progress of disciplinary proceedings is the absence of legal authority with the enquiry officers to compel the production of records and attendance of witnesses. They, however, regret that although recommended by Santhanam Committee in 1964, Government have not so far been able to introduce legislation in Parliament to so empower enquiry officers in disciplinary proceedings. The Committee hope that early steps will be taken by Government to implement this recommendation of the Santhanam Committee.
37	5.40	The Committee are distressed to find that unconscionable delays continue to occur in Ministries/Departments in the issue of sanctions for prosecuting officers serving under them. They urge that the Ministry of Home Affairs should issue instructions to all the Ministries etc. drawing their pointed attention to this lapse on their part and requesting them to issue the sanctions within a specified time. In exceptional cases, where it is, for any reason, not possible to adhere to the specified time limit, the matter should be brought to the notice of the Secretary or head of the Department/Public Undertaking concerned in writing and his specific approval for extension of time limit obtained.
38	5.45	The Committee are perturbed at the mounting arrears of CBI cases pending trial/disposal in Courts year after year. The analytical study of some old pending cases reveals that CBI is not free from blame in this matter. The delay in production of documents under Section 173 Cr. P. C., shortage of prosecuting staff and delay in the service of summons are matters which have to be attended to by the CBI.
39	5.46	As regards other factors contributing to the delay in the disposal of cases in Courts, the Committee recommended that the Ministry of Home Affairs should continue to impress upon the State Governments the need for expeditious disposal of CBI cases and urge them to take suitable measures with a view to remedy the situation. The Committee have no doubt that the position will improve if a vigorous and concerted drive is made by CBI and the Ministry of Home Affairs, <del>and the lines suggested above.</del> 14-09-74 AS-21 (18) 1968-69

## APPENDIX IX

(Vide Introduction)

*Analysis of recommendations/conclusions contained in the Report*

### I. CLASSIFICATION OF RECOMMENDATIONS

- A. *Recommendations for improving the Organisation and working :*  
Serial Nos. 6, 10, 12, 13, 14, 15, 16, 17, 20, 26, 27, 28, 29, 30,  
34, 35, 36, 37, 38, 39.
- B. *Recommendations for effecting economy :*  
7, 8, 21, 31, 32.
- C. *Miscellaneous Recommendations :*  
Serial Nos. 1, 2, 3, 4, 5, 9, 11, 18, 19, 22, 23, 24, 25, 33.

### II. ANALYSIS OF THE RECOMMENDATIONS DIRECTED TOWARDS ECONOMY.

Sl. No.	S. No. as per Summary of Recommendations (Appendix VIII).	Particulars
1.	7	SIU of the Ministry of Finance should independently make a Special study of the work load with CBI and the staff needed to handle the same.
2.	8	CBI should have a separate O & M Unit.
3.	21	Remnant staff of the erstwhile Food Offences Wing should be gainfully employed.

Sl. No.	Name of Agent	Agency No.	Sl. No.	Name of Agent	Agency No.
<b>DELHI</b>					
24.	Jain Book Agency, Connaught Place, New Delhi.	11	33.	Oxford Book & Stationery Company, Scindia House, Connaught Place, New Delhi—1.	68
25.	Sat Narain & Sons, 3141, Mohd. Ali Bazar, Mori Gate, Delhi.	3	34.	People's Publishing House, Rani Jhansi Road, New Delhi.	76
26.	Atma Ram & Sons, Kashmere Gate, Delhi-6.	9	35.	The United Book Agency, 48, Amrit Kaur Market, Pahar Ganj, New Delhi.	88
27.	J. M. Jaina & Brothers, Mori Gate, Delhi.	11	36.	Hind Book House, 82, Janpath, New Delhi.	93
28.	The Central News Agency, 23/90, Connaught Place, New Delhi.	15	37.	Bookwell 4, Sant Naran kari Colony, Kingsway Camp, Delhi-9.	96
29.	The English Book Store, 7-L, Connaught Circus, New Delhi.	20	<b>MANIPUR</b>		
30.	Lakshmi Book Store, 42, Municipal Market, Janpath, New Delhi.	23	38.	Shri N. Chaoba Singh, News Agent, Ramlal Paul High School Annexe, Imphal.	77
<b>AGENTS IN FOREIGN COUNTRIES</b>					
31.	Bahree Brothers, 188 Lalpatrai Market, Delhi-6.	27	39.	The Secretary, Establishment Department, The High Commission of India India House, Aldwych, LONDON W.C.—2.	99
32.	Jayana Book Depot, Chapparwala Kuan, Karol Bagh, New Delhi.	66			

---

---

© 1969 BY THE LOK SABHA SECRETARIAT.

PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT OF  
BUSINESS IN LOK SABHA (FIFTH EDITION) AND PRINTED BY THE GENERAL  
MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI.

---

---