

**MINISTRY OF PERSONNEL,
PUBLIC GRIEVANCES AND
PENSIONS (DEPARTMENT OF
PERSONNEL & TRAINING)—
CENTRAL BUREAU OF
INVESTIGATION**

191

**ESTIMATES COMMITTEE
1991-92**

TENTH LOK SABHA



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**LOK SABHA SECRETARIAT
NEW DELHI**

THIRTEENTH REPORT
ESTIMATES COMMITTEE
(1991-92)

(TENTH LOK SABHA)

**MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS (DEPARTMENT
OF PERSONNEL & TRAINING)—CENTRAL
BUREAU OF INVESTIGATION**



Presented to Lok Sabha on 6 April, 1992

**LOK SABHA SECRETARIAT
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CORRIGENDA
TO
13TH REPORT OF ESTIMATES COMMITTEE ON
CENTRAL BUREAU OF INVESTIGATION.

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**COMPOSITION OF THE COMMITTEE
(1991-92)**

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27. Shri Sartaj Singh Chhatwal
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30. Shri Braja Kishore Tripathy

SECRETARIAT

1. Shri G.L. Batra—*Additional Secretary*
2. Shri K.K. Sharma—*Joint Secretary*
3. Shri B.B. Pandit—*Director*
4. Shri K.L. Narang—*Under Secretary*

*Resigned w.e.f 6th March, 1992.

**Elected w.e.f 6th March, 1992 *vice* Shri Vijay N. Patil resigned from the Committee.

INTRODUCTION

1. The Chairman of the Estimates Committee having been authorised to submit the Report on their behalf, present this Thirteenth Report on the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)—Central Bureau of Investigations.

2. The Committee undertook an examination of the Bureau owing to the widely perceived corruption in the country, the important role of CBI in combating this problem and the hurdles coming in its way in fulfilling this objective.

3. The Committee considered the replies given by the Ministry of Personnel, Public Grievances and Pensions to a detailed questionnaire issued on the subject whereafter the oral evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions and Central Bureau of Investigations was recorded on 16 January, 1991. The Committee wish to express their thanks to the officers of the Ministry and Central Bureau of Investigations for placing before them the written notes concerning the subject under examination and such other information as was desired by the Committee in connection with the examination of the subject. They are also grateful to them for showing high degree of candour during their evidence before the Committee in sharing with the Members of the Committee their views and perceptions on different matters of relevance.

4. The Report was considered and adopted by the Committee at their sitting held on the 6th March, 1992.

5. The Central Bureau of Investigation has evolved out of Special Police Establishments as a fullfledged anti-corruption agency. However, surprisingly, despite an existence of 30 years, the Bureau has no legal charter of its own and is still drawing its legal force from Delhi Police Establishments Act, 1946 and operating, for its investigative purposes, in the guise of Special Police Establishment. The Committee have taken serious note of this legal deficiency. In this context, they have recommended that CBI which, indeed, is a prime investigating agency of the country, should be given, without further delay, an articulated legal charter defining the purpose of its creation.

6. In this Report, the Committee have also dwelt on aspect relating to lack of jurisdiction on the part of C.B.I. in investigating crimes within the jurisdiction of State Governments even though these may have been committed by Central Government officers or may have resulted in violation of Central Law as also the crimes having inter-State ramifications. In this context, they have taken note of the fact that either some States have not given general consent to C.B.I. for investigation of crimes within their territory or have withdrawn consent on subsequent stages, fully or

partially or given conditional consents as a result of which existing legal arrangement for investigation of cases falling outside the Union Territories, has not been working satisfactorily. The Committee have observed that in view of the changed political mosaic of the country this state of affairs does not auger well for the administrative health of the country and the nature of its governance.

7. The Committee have therefore underlined the fact that the question of giving statutory status and well defined legal powers of investigation to C.B.I. and the question of amending the Constitution for this purpose, in consultation with the States, has acquired urgency. However, they feel that till such legal arrangement is arrived at, the Central Government should invite the attention of the State Governments to their constitutional obligations in this regard.

8. The CBI being essentially an Anti-Corruption Agency has over the years taken more and more responsibility for investigation of offences of national, trans-national importance besides matters effecting the unity and integrity of the country, thus functioning, virtually as a National Policy Agency. However, this dual responsibility has resulted in its affairs being controlled by two different Ministries viz. Ministry of Home Affairs and Ministry of Personnel, Public Grievances and Pensions. This has however, given rise to various consequential problems. The Committee have therefore observed in their report that the question of an appropriate nodal agency for CBI calls for a fresh examination. They have recommended that government should address itself promptly to the long felt requirement of creating, under the Ministry of Home Affairs, a separate body which has the authority and character of a National Policy Agency.

9. Apart from the above three major issues, the report dwells upon various other organisaitonal and administrative aspects relating to CBI. These include strengthening of an Interpol Wing and Central Forensic Science Laboratory, coordination with State Police Organisations, the position regarding intelligence set up and Border Wing, rationalisation of promotion policy, manpower norms, training facilities, computerisation and housing.

10. The Committee has also gone into various areas of performance by CBI and appropriate observations and recommendations have been made in regard to efficacy of special drives, low conviction ratio, special courts, appointment of Special Council and prosecution of Government officers at decision making levels.

11. Some of the important observations/recommendations of the Committee in regard to organisational administrative and performance aspects are indicated below:—

- (i) The Ministry should take urgent and immediate steps for strengthening special units of CBI collecting intelligence relating to corrupt practices in public sector undertakings so that the efficiency of the Organisation is not impaired merely due to lack of administrative action.

(vii)

- (ii) If the Border Wing has to function effectively the consent of the State Government of Border States is of paramount importance in achieving the objective of preventing economic offences like smuggling becoming a bulwark of terrorism.
- (iii) CBI should build a dependable, specialised and highly motivated investigative force. For this the Committee have avered the need for providing attractive service conditions and better career prospects to those young men and women who might choose to join CBI.
- (iv) A computer network is very essential for a premier investigating agency like CBI which function as a nerve centre of all crime-control agencies in the country. The Committee have desired that computerisation of the CBI Branches should take place as speedily as possible and within a time bound programme.
- (v) A review of investigation work indicates that either investigative officers of CBI are unable to cope with the work schedule assigned to them or that they do not investigate cases as per norms set for them. The Committee have desired the Ministry to take urgent steps to appoint more investigating officers to enable it to achieve the fixed targets so that the organisation on the whole is able to retain its edge.
- (vi) As against 371 cases registered by CBI under Special Drive during the year 1985—88 only 4 cases resulted into conviction. The Committee have been disappointed to note that the number of officials convicted during the last 5 years as a result of these Special Drives is woefully small. Moreover none of the cases which were registered under Special Drive during the years 1988, 1989 and 1990 have resulted in conviction. The Committee have therefore recommended that for expediting the judicial process the recommendation of the Cabinet Committee regarding setting up of special courts should be taken up with due promptitude.
- (vii) At present, CBI is required to take the prior consent of Head of the Department i.e. Secretary before launching prosecution against a decision making level officer. As the Committee have noted that, owing to delay in granting required consent, this procedure often becomes an impediment in successfully checking corruption in the Government Departments. The Committee have therefore strongly urged upon the Government to do away with this procedure. However, they have at the same time urged that such investigations/raids in respect of officers of the rank of Joint Secretary and above etc. should invariably be conducted by an officer not lower than the rank of Superintendent of Police.

12. The report is substantially based on the work put in by the Estimates Committee (1991-92). Their composition is given in the Annexure IV. The Committee wish to place on record their sincere thanks to the Chairman and Members of that Committee.

13. For facility of reference the recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix of the Report.

NEW DELHI;
March 27, 1992

Chaitra 7, 1914(Saka)

MANORANJAN BHAKTA,
Chairman,
Estimates Committee.

CHAPTER I

CENTRAL BUREAU OF INVESTIGATION: STATUS AND CHARTER

A. Historical Background

1.1 The Central Bureau of Investigation (CBI) is an attached organisation of Ministry of Personnel and Administrative Reform. It has its genesis in an organisation known as Special Police Establishment (SPE) which was set up by the Government of India in 1941 under an executive order. The need for such an organisation had arisen in view of the opportunities which had become available to unscrupulous and anti-social persons, both officials and non-officials, for indulging in bribery and corruption at the cost of the public and the Government as a result of increase in expenditure for war effort during the World War-II.

1.2 Initially the S.P.E. investigated cases of bribery and corruption relating to transactions with which the War & Supply Department of the Government of India were concerned. At the end of 1942, the activities of the SPE were extended to include cases of corruption on the Railway also.

Delhi Special Police Establishment Act

1.3 In 1943, some doubts were felt about the legal powers of Police officers working with the SPE and therefore an ordinance was issued by the Government of India, by which a Special Police Force was set up for the investigation of certain offences committed in connection with the Departments of the Central Government. It has the powers to investigate such offences anywhere in British India. Ever after the end of the war, the need for a Central Government Agency to investigate cases of bribery and corruption by Central Government servants was felt. Therefore, the Ordinance issued in 1943, which had lapsed on 30th September, 1946, was replaced by the Delhi Special Police Establishment Ordinance of 1946. This ordinance was later substituted by the Delhi Special Police Establishment Act, 1946. After the promulgation of the Act, functions of SPE were enlarged to over all departments of the Government of India. Since then the SPE has been functioning under this Act. Its jurisdiction which extends to all the Union Territories can also be extended to the States, subject to the consent of the State Government concerned.

Enforcement Wing

1.4 In 1953, an Enforcement Wing was added to the SPE to deal with the offences relating to breach of Import and Export regulations. This Wing, now known as Economic Offences Wing, continues to deal with not only cases of violations of import and Export Control Act, but other fiscal laws of the Central Government.

Central Bureau of Investigation

1.5 With the passage of time, more and more cases under various laws apart from prevention of Corruption Act and violations of Import and Export Control Act came to be entrusted to the SPE. This is evident from the fact that in 1963, the SPE was authorised to investigate offences under 91 different sections of Indian Penal Code, offences under the Prevention of Corruption Act, 1947 and 16 other Central Acts. A growing need was, therefore, felt for Central Police Agency at the disposal of the Central Government which would investigate not only cases of bribery and corruption, but also cases of breaches of Central fiscal laws, major frauds relating to Government of India Departments, public joint stock Companies, Passport frauds, crimes on the high seas, crimes on the Airlines and serious crimes committed by organised gangs or professional criminals and therefore under the Government of India. Resolution the Central Bureau of Investigation was set up on 1st April, 1963. The jurisdiction, powers and functions of the SPE however remained as before, even after the setting up of the CBI.

1.6 The Committee enquired whether there were any legal compulsion for maintaining a distinct identity of SPE. Explaining the conjointal identity of CBI and SPE the Ministry explained that this was mainly for the reason that the legal authority for investigations that vests with the officers of the CBI is derived by exercising powers under D.S.P.E. Act, and that this duality would come to an end if a separate legislation is enacted to give a formal and legal status to CBI.

1.7 Clarifying the position further, the Ministry in a written note stated that the role and functions of the SPE were enlarged to embrace a wider area of anti-social crimes. However, under the SPE Act, CBI/SPE is authorised to take up investigation of only those offences which are notified by Central Government under Section 3.

B. Policy Framework

1.8 In a note, the Ministry furnished to the Committee a list of functions (see Annexure I) handled by different Divisions in CBI. The Ministry further informed the Committee that with the changed circumstances, which require the Central Government to take a direct interest in matters affecting the national security and economy, wide variety of cases, though numerically not very large, have come to be entrusted to the CBI and therefore, its role has undergone a perceptible change. Notwithstanding

the wider role envisaged for the CBI, the main thrust in the functions of the CBI, however, continues to be the detection and investigation of offences of bribery and corruption committed by public servants under the control of the Central Government and its Undertakings.

1.9 Outlining the present policy of the Government, the Ministry stated that the policy of Government is that while the CBI would continue to play a dominant role in investigation of cases of corruption and bribery it has also a specific role to play with regard to investigation of other crimes. In those cases where parallel enforcement agencies exist for dealing with specific categories of crimes like narcotics, IMPEX Act cases, arms-counterfeit and cultural property cases, the role of CBI has been identified. Guidelines exist as to the nature and type of cases to be handled by the CBI with regard to the tax and revenue violations as also with regard to IMPACT Act cases.

1.10 The Committee enquired during evidence whether there was an articulated policy for the functioning of Central Bureau of Investigation and whether a standard charter of duties has been delineated. The secretary, Department of Personnel and Administrative Reforms in his reply said "the CBI was basically created for dealing with anti-corruption work and that seems to be a guiding principle for the working of the CBI. Over the years the functioning of the CBI in this field has given it a certain amount of credibility. In appreciation of their working, certain other work has also been entrusted to them, for instance, certain special crimes, crimes which have attracted attention or certain crimes which are normally investigated at the state level but due to various reasons these things have to be done by a body outside the state for the purpose of its impartiality. Certain offences which have got inter-state ramifications have also been entrusted to CBI.

1.11 When enquired whether CBI had a charter of duties, Director, CBI said "We have a charter of duties."

1.12 It was pointed out to the Secretary, Ministry of Personnel and Administrative Reforms during evidence that in the absence of Government formulating, articulating and clarifying the policy framework within which CBI functions, there may be a situation wherein occasions of malfunctioning or improper functioning of CBI, would arise. Reacting to this, the Secretary said "There is no question of disagreement on this point. We will have to state the purpose for which CBI has been created and how this purpose is to be achieved and what the Government expected of officers in achieving this objective. These are the things which we have to put in but not in so many words. What is expected of CBI is there in the 'motto', "Integrity, Impartiality and industry."

C. Jurisdiction

1.13 In a written note, the Ministry informed the Committee that the powers of SPE for investigation of offences notified under Section 3 & 5 of the DSPE Act are not exclusive, but concurrent with those of the State Police. An officer of and above the rank of a Sub-Inspector of the SPE is deemed to be an officer-in-charge of a Police Station, both in the Union Territories and in the States. The CBI can act outside the Union Territory only with the consent of the State Governments.

1.14 The Ministry further informed the Committee that in 1957 all the States had given their consent and from time to time has extended the list of offences which could be investigated by SPE/CBI officers. The provisions in the DSPE Act, 1946 in this regard had worked well till 1974. However, during 1974-79 some States like Andhra Pradesh, Tamil Nadu & Karnataka withdrew consents wholly or partially and have periodically revoked or restricted consents ever since. In respect of the Prevention of Corruption Act, 1988, 4 States (Haryana, Nagaland, Mizoram & Sikkim) have not given their consent. Infact, Sikkim has withdrawn its consent in its entirety. The State Governments of Andhra Pradesh, Assam, Himachal Pradesh, Madhya Pradesh, Mizoram, Punjab, Uttar Pradesh and West Bengal have given conditional consents.

1.15 The Ministry further stated that these conditional consents would not have created any problem if they were to exclude only the State Government employees. But most of them exclude private persons. Since a large number of cases of Fraud etc. involve private persons also besides Central Government employees, the CBI is not able to take up important cases in these States. Requests have to be made for consents in individual cases which is not only time consuming and cumbersome but also leads to the fact that secrecy of operations is not possible.

1.16 Such issues of difference of perceptions have been arising quite often. Infact, a number of times, it has happened in cases of Manipur, Nagaland, Arunachal Pradesh and Sikkim, when cases have been referred to the CBI by the State Governments themselves and subsequently consents have been withdrawn. A list of cases where consent of CBI investigation has been withdrawn by State Governments is given in Annexure II. The Ministry has stated that these instances are only some examples of the difficulties faced by CBI due to the arbitrary exercise of powers of consent by the State Governments.

1.17 Asked during evidence to elaborate as to why the States withdrew consent or gave conditional consents, Secretary of the Department in his reply stated:

“..... earlier, when the country was ruled by one Party in most of the States, there has not been much difficulty in the Delhi Police Establishment Act, under which the CBI is functioning for getting the

consent of the State Governments to investigate into some of these cases. Subsequently, with different political parties coming to power in various State Governments, there have been reservations on the part of the State Governments, even in cases of Central Government servants as far as crimes related to them are concerned. But it has its implications on investigation, when certain public and private individuals in the States are also involved. They had reservations there, as far as CBI taking up investigations in such cases are concerned. Some of them felt that it is not proper to give a blank consent to investigate into all these cases, instead we will consider case by case. It is because some of them had second thoughts and when it was found that some people's—whom they do not want to be investigated—cases are being pursued and they told that we are withdrawing the case even if relates to a public servant as has happened in Nagaland. It was a case pertaining to an all-India Service Officer. They first gave the permission to investigate, but when the investigation was at the advanced stage, they withdrew the sanction. We persuaded them. They restored it. And again they have withdrawn it for the third time. This is because of the legal position with regard to CBI. So, with the nebulous legal position, we are bale to have our jurisdiction only through the State Governments' coming there and giving their consents. And in the absence of a consent, I am put to a great difficulty."

D. Legal Charter for CBI

1.18 The Ministry in a note to the Committee stated that although it can be said that the jurisdiction of CBI is derived from the provisions of the DSPE Act, the Criminal Procedure Code and the Government orders in regard to the categories of cases that fall within its scope, there is no self contained legislative charter to which the Bureau as such can directly trace its authority and functions. As far as known India is the only federation in which the federal government has no agency of its own with inherent powers to investigate offences committed in the States under the laws it enacts. In other countries with a federal system of government about which information is available there are Federal Police Agencies which have jurisdiction all over the country in respect of federal laws. In India, the CBI can act outside the Union Territories only with the consent of the State Governments. The question of enactment of a comprehensive Central Legislation to remove the deficiency of a central investigative agency with a self-sufficient statutory charter of duties and functions, is therefore being examined.

1.19 In this context the Estimates Committee of the 4th Lok Sabha which reviewed the functioning of the CBI in its 78th Report had recommended as follows:—

“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 upon 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 sounder footing.”

1.20 In the report of a Committee set up under the Chairmanship of Cabinet Secretary to review the role, functions and working of CBI, it has been stated that though the CBI was established by an executive order of the Central Government with 6 divisions (now 8 divisions), the Delhi Special Police Establishment Act, 1946, continues to provide statutory authority for the investigation of offences by the DSPE, which is one of the divisions of the CBI. Other divisions of the CBI do not have powers of investigation and for discharging their functions they depend upon the assistance extended by the State Police.

1.21 It has further been stated in the Cabinet Committee report that due to various reasons, the legislation to give a statutory basis to CBI could not be undertaken all these years. The extension of its jurisdiction to the States therefore continues to be dependent on the consent of the State Government concerned. Extension of CBI’s jurisdiction to the States under the DSPE Act with the consent of the States has been held valid by the Supreme Court. However, if a State Government withdraws consent to the extension of the jurisdiction to the CBI at any time CBI cannot operate in that State on such withdrawal. Instances of such nature have taken place during the last ten years. As a result, in these States, CBI could not take up investigation of cases even against Central Government servants, without obtaining specific Consent of the State Government for each case, which was a time consuming affair. These State Government have accorded revised consent for the extension of the jurisdiction of CBI to the States, but restricted its operation only to investigation of cases of bribery and corruption involving either Central Government servants or officers belonging to Public Sector Undertakings under the Central Government land offences under certain Central Laws. On the other hand where the jurisdiction of the CBI is extended to a

State by general consent of the State Government, even State Government employees are legally subject to jurisdiction of the CBI and CBI can investigate cases against them, if they are involved alongwith some Central Government employees in a case. Now in such States, CBI is expressly barred from investigating any case against State Government employees, even if they are considered in a case alongwith Central Government employees, unless specific consent of the State Govt. for the investigation of that case is obtained.

1.22 The above Committee, therefore had *inter-alia* recommended that:—

- (1) The constitution should be amended by:
 - (a) Insertion of entry No. 8-A in List I—Union List 7th Schedule to enable the Parliament to enact a law to set up a Police Agency known as Central Bureau of Investigation.
 - (b) deletion in the words “and Investigation” in entry 8 of List I of the 7th Schedule.
 - (c) amendment of entry No. 80; of List I of the 7th Schedule to provide for extension of CBI to any State without the consent of the Government of that State; and
 - (d) amendment of entry No. 2 in List II—State List of the 7th Schedule by addition of the words “subject to the provisions of entry No. 8-A of List I”
- (2) Enactment of a new law laying down the organisational structure of the CBI, functions to be discharged by it, types of offences which it can investigate and providing for conferrment of powers of Police down in Criminal Procedure Code, 1973, on the members of the CBI.

1.23 Asked as to why such a statute had not been enacted, the Ministry stated that such an enactment of comprehensive Central legislation was under consideration by the Government. Regarding the latest position of the aforesaid enactment it has been stated that a draft constitution amendment bill and a draft CBI bill alongwith explanatory note have been prepared. The bill was sent to Ministry of Home Affairs on 12.6.90 and is pending with that Ministry since then.

1.24 Asked to explain the reason due to which the Bill had not been introduced in Parliament so far, the Secretary of the Ministry stated:—

“....We have not taken any sanction for introducing it because in this the question of Centre-State relationship is involved.... This will be a substantial in road into the State power.”

1.25 At the same time, however, Secretary reiterated that the need for a Federal legislation for giving a statutory basis to CBI and its functions continues to exist. In this regard he added:

“Now we are approaching this problem in a very indirect way. The right thing is to have a Federal Police Investigation Bureau.... But for that the constitution is to be amended. We are yet to take a view on this.”

1.26 The Secretary further informed the Committee that “in 1987, the PM had approved, in principle, the proposal for establishing a statutory body for this purpose.”

1.27 Asked by the Committee to indicate the measures that could be taken to obviate the difficulties in the present arrangement the Secretary of the Department stated:—

“At least if a Conference of Chief Ministers is held wherein a consensus can be arrived at to the extent that consent for Central employees and private persons should be given even if it is not possible to give such consent in respect of State Government employees. After that only legislation seems to be possible, otherwise there does not seem to appear any way out.”

Conclusions and Recommendations

Conclusion

1.28 The Committee note that Special Police Establishment (SPE) in due course, has evolved into the fullfledged anti-corruption department presently known as Central Bureau of Investigation (CBI). The Bureau as such came into existence in 1963 to deal with anti-corruption work and the Special Police Establishment in fact stands incorporated into this new body as one of its 8 divisions. Having no statutory basis and, therefore, no investigative power of its own, CBI has been utilising SPE which holds a legal status under Delhi Special Police Establishment Act, 1946 as its main investigating arm.

1.29 The Committee further note that there is a charter of duties which lists the functions expected to be performed of CBI. They, however, observe that over the years the CBI has been entrusted with more and more cases of national and international importance along with cases relating to bribery and anti-corruption for which it was primarily set up. The Committee have been informed that the basic thrust of the CBI nevertheless remains on detection and investigation of offences relating to bribery and corruption committed by Central Government/Public Sector Undertaking employees.

1.30 The Committee are also informed that the functions, responsibilities and powers of C.B.I. have not been given any legal form even though efforts have been made during the past several year to do so. Thus the prime investigating agency of the country has been functioning

for the last three decades without any articulated legal charter defining the purpose of its creation. The Committee feel that in the absence of such a charter and without a clear cut policy clarifying the framework within which the C.B.I. is expected to function, there would be occasions when the C.B.I. would not be able to stave off allegations about the professional conduct of the organisation as also its being misused. In this context the Committee are constrained to conclude that the motto adopted by C.B.I. even though lofty in nature, is unlikely to effectively serve the purpose unless it is legally defined.

Recommendation

1.31 The Committee, strongly urge the Government to lay down a clear cut policy stating the purpose for which C.B.I. is expected to function and to bring forward a legislation defining its charter.

Conclusion

1.32 The Committee are informed that extension of the CBI's jurisdiction to States under the DSPE Act, with the consent of the States has been held valid by the Supreme Court. However, if a State Government withdraws consent to the extension of jurisdiction of CBI at any point of time, the CBI is helpless. They are also informed that India is the only federation in which the Union Government has no agency of its own with inherent powers to investigate offences committed in the States under the laws enacted by the Union. Consequently, CBI is unable to investigate cases even against Central Government Servants or cases relating to Central Acts within the territorial limits of a State.

1.33 The Committee are further informed that the existing legal arrangement for investigation of cases including those relating to corruption falling outside the Union Territories was not working satisfactorily. The Committee are constrained to learn that this is due to either States not giving general consent for investigation of cases within its jurisdiction or withdrawing the consent at a subsequent stage, fully or partially by giving only conditional consents. It is obvious to the Committee that this scenario of Union-State relations could not have been envisaged while enacting DSPE Act. They further observe that with political mosaic of the country undergoing a change, the States are no longer willing to give unqualified support to CBI. This becomes evident from noting the details of various cases furnished to the Committee by C.B.I. (See-Annexure A). However, the Committee are of the firm belief that this State of affairs does not augur well for the administrative health of the country and the nature of its governance. This is clearly demonstrated by the example in which consent to start investigation against a Central Government officer has been given and then withdrawn thrice.

In the opinion of the Committee there is an urgent need for giving CBI a legal charter in such a manner as will obviate these problems of jurisdiction.

1.34 In this context the Committee have been informed that consequent to the recommendation of its predecessor Committee (4th Lok Sabha 78th Report) and that of the Committee set up by Government under the Chairmanship of Cabinet Secretary a draft CBI Bill is pending with the Ministry of Home Affairs since June, 1990 along with a draft Constitutional Amendment Bill to accord a statutory basis to the CBI for the consideration of Parliament. However since these two legislations impinge upon States' powers the matter has not been proceeded with as it comes within the web of Centre-State Relations. This would mean that a legal status for CBI can materialise only when a general consensus on the question is arrived at. The Committee were apprised that in order to arrive at a consensus it would be expedient to convene a Conference of Chief Ministers.

Recommendations

1.35 The Committee are of the firm view that unless the CBI is given a statutory status and well defined legal powers to investigate the cases which have ramifications within the States, its effectiveness will decline substantially and steeply. They, therefore, desire that the question of amending the constitution for this purpose be discussed with the States without any further delay and all out efforts should be made to arrive at a consensus in the matter without compromising the effectiveness of CBI as a federal investigative agency.

CHAPTER II

A. Nodal Agency

2.1 At present CBI is organised into following eight Divisions:

- (i) Investigation and Anti-Corruption Division.
(Delhi Special Police Establishment)**
 - (a) General offence wing**
 - (b) Economic offence wing**
- (ii) Technical Division**
- (iii) Crime Records Division**
- (iv) Interpol Division**
- (v) Central Forensic Science Laboratory**
- (vi) Central Finger Print Bureau, Calcutta**
- (vii) Legal Division**
- (viii) Policy and Organisation Division.**

However, out of these Coordination and Crime Records Division, Central Forensic Science Laboratory (CFSL) and Central Finger Print Bureau Calcutta, are under the Ministry of Home Affairs.

2.2 The Ministry of Personnel is responsible for the overall supervision of the work of CBI and formulation of policy of the Government thereto. Administrative matters relating to the CBI are also attended to by this Ministry. Budgetary provision for the expenses of the CBI is made in the budget of the Ministry of Personnel. The Ministry also provides channel of communication in some matters between CBI and the State Governments for launching prosecution in CBI cases in which the State Governments are the competent authority to give such consent, in the engagement of Special Counsels in CBI cases, in filing appeals and revision petitions against the judgements of Lower Courts of CBI cases and in getting the consent of the State Governments for extending the jurisdiction and powers of the SPE under the DSPE Act, 1946, to investigate specific offences under the various Central/State Acts.

2.3 Giving the background of its association with Ministry of Home Affairs, the Ministry in a note furnished to the Committee stated that after enactment of the DSPE Act, 1946, functions of the SPE were enlarged to cover all departments of Government of India and superintendence over it was transferred to the Home Department. When the Administrative Vigilance

Divisions was set up in the Ministry of Home Affairs for strengthening the vigilance set up as well as for over-seeing the vigilance work of other Ministries, functions relating to investigation of corruption cases and allied matters of the SPE were placed under the administrative Vigilance Division of the Ministry of Home Affairs. When the Central Bureau of Investigation was set up in 1963, the functions to be performed by the CBI were considerably enlarged. Crime Records and Statistics Division and Research Division were placed under another Division of the MHA. Later Central Forensic Science Laboratory was set up as a part of the CBI and the control of the Central Finger Print Bureau, Calcutta was also transferred to the CBI. All these Divisions of the CBI, not connected with anti-corruption work, were placed under the control of another Division of the MHA. Department of Personnel and Administrative Reforms was carved out of the Ministry of Home Affairs in June 1970 and all subjects, including "Vigilance and discipline", connected with service matters were transferred to the newly created Department. The Department accordingly became the apex body of the Centre concerned with framing of Policy regarding vigilance and anti-corruption matters in public services. Therefore, all the vigilance organisations namely, Central Vigilance Commission, those divisions of CBI responsible for vigilance and anti-corruption activities and also the Union Public Service Commission, which advises the Government in vigilance cases against Central Government officers were administratively placed under the Department. The Delhi Special Police Establishment Division of the CBI being responsible for collection of intelligence and investigation of cases of corruption against public servants was placed under the Department of Personnel and Administrative Reforms on functional considerations. The other four divisions namely, Legal Division, Policy Division, Technical Division and Administration Division provide necessary technical and administrative service for the smooth and effective functioning of the DSPE Division. Consequently these four divisions were also placed under the administrative control of the Department of Personnel and Administrative Reforms.

2.4 On the other hand the remaining three divisions namely, Coordination Division, Central Forensic Science Laboratory, New Delhi and Central Finger Print Bureau, Calcutta are responsible for coordination between various state Police Forces and rendering assistance to States in dealing with matters having inter-state or international ramifications in the matter of detection and investigation of crimes. Therefore for functional considerations these divisions were kept under the administrative control of the Ministry of Home Affairs (proper).

2.5 When asked as to whether the present arrangement in which five wings of CBI were under Ministry of Personnel and Training and three wings were under Ministry of Home Affairs did not lead to functional problems. The Secretary, Ministry of Personnel and Training stated:—

“The major portion administratively of the CBI is under the Ministry of Personnel and Administrative Reforms. Major divisions of the CBI also directly report to us. There are some smaller functions which are essentially the concern of the Ministry of Home Affairs.”

2.6 The Secretary informed the Committee that the Finger Print Bureau has now become independent. He further added:—

These essential areas of work are concerned with the functioning or coordination with the State Police and their functioning. These are also matters of greater importance to the Delhi Police which is also under the Central Government and coordinated by the Ministry of Home Affairs. Therefore, they are being reported to or looked after by them. But even in regard to the Interpol, for instance, the budget provisions are made by the Department of Personnel. I do not think that there is any great difficulty if everything is under the Department of Personnel. It cannot be the other way round because the Ministry of Personnel is concerned with the function of vigilance in the Central Government and the CBI is the executive wing of the Government in fulfilling this function. Therefore, they have to be responsible for this function and its fulfilment to the Ministry of Personnel. The other point you might have asked is as to whether or not this could be under a third body or the Cabinet Secretariat or some other organisation. So far as the Cabinet Secretariat is concerned, it has coordination with various Ministries. They cannot take up any functional responsibility of any work in the Central Government and if the CBI is to be under the Cabinet Secretariat, then the function of vigilance will also have to be under the Cabinet Secretariat and the Cabinet Secretariat will then be burdened with day-to-day work of a nature which is not expected under the concept of work in the Government. Therefore, it has to be under one Ministry and the right Ministry is the Ministry of Personnel.”

2.7 In this context the representative of Ministry of Home Affairs expressed his views as under:

“As part of the Ministry of Home Affairs, we share this concern of yours with the duality of functions that is not that much satisfactory. The cadre of CBI largely consists of officers engaged in the act of investigation. They have to be officers by training and orientation in the act of investigation who are largely police officers. The cadre of police officers is controlled by the Ministry of Home Affairs and therefore, it is we who have been consulted in making the officers available to the CBI on deputation. Therefore, the body of the main personnel of CBI are officers drawn from the cadre controlled by the

Ministry of Home Affairs (MHA) for the purpose of investigation. This is one aspect which need to be kept in mind. The Second aspect is that, in the corpus of crimes, there is an element of crime connected with regulations. But the activities of the CBI are quite far beyond: rarely vigilance related investigations. They go into investigations which are complicated crimes, which are inter-State problems, trans-national problems, etc. That is why CBI was created at a national level. Since the Ministry of Home Affairs is connected with the maintenance of law and order in the State, the MHA comes into the picture as far as crime which have a State focus, which have an inter-state focus or crimes which have a trans-national focus are concerned. So I would say that the question which should be the nodal agency that should deal with the CBI is something which the Committee may go into further in the light of what I have stated."

2.8 On being questioned further the representative of the Ministry of Home concurred with the views of the Committee that the present dual control of CBI was not most satisfactory way of functioning.

B. National Police Agency

2.9 The CBI(SPE) is now authorised to investigate offences under 191 different¹ sections of the IPC and 55 Central Acts.

2.10 Asked as to whether the present organisational set up of CBI is adequate to cope with the work load, Ministry has stated that while there is sufficient emphasis on the anti-corruption aspect of the work, the need of the Central Government to have a police Investigation Agency of its own to investigate offences of national importance affecting the unity and integrity of the nation and to protect the interests of the Government and its properties has been felt for a long time.

With the increasing demands on the CBI for investigation of offences affecting security and integrity of the country, which of late have shown an increasing trend, offences of national importances, offences which the Central Government would like a National Police Agency to handle, it was felt that the organisation, as it exists today, is ill-equipped in terms of manpower as well as other resources to discharge these responsibilities which are mounting every day.

2.11 Asked to comment whether there is a need to have two separate bodies, one dealing purely with anti-corruption work and another with investigation of special state, inter-state, network and trans-nation, national crimes, the Secretary during evidence stated:—

"These days the anti-corruption work is also highly specialised because the types of offence which lead to corruption require special assistance. I don't know whether you will call it a police function or not but it has become a specialised area of work. That is why even within the States they have their own vigilance and anti-corruption

wing. They have anti-crime police and they have also got vigilance police. That apart, I am on a general point that is whether there should be one organisation or something more. I would like to say that the CBI, as it is constituted means only for anti-corruption work because of its credibility which it has earned, other work has also come to be attached to it. If you want to create another organisation, it may be a good thing to do but will help more effectively in taking up an anti-corruption work? In my view, it has received some set-back because the sensational crimes of various nature which are handed over to CBI from time to time though they are very small in number compared to total number of cases registered, take very large number of officers at a particular point of time because these are highly publicity oriented and people want their quicker disposal. So, they have to put a large number of people on investigation of these crimes. This certainly has its impact on their main function of anti-corruption work. Therefore, if some other organisation will be in a position to take over this work, it will be a good thing but at the same time, I would like to caution that it is not very easy to create another body like this overnight or even over a period of time because this is an area, where even conventional crimes like murder and so on, are also taking place because of the special background and circumstances. The state Governments may not like a central body which is also specialised in the same field as their own bodies. Whether to have central body specialising in these crimes under the present constitution or to set up an organisation solely devoted to that is a matter which is to be examined."

C. Interpol Wing

2.12 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 Policy Agency, which is referred to as National Central Bureau (NCB).

2.13 INTERPOL Wing of the CBI is designated as the 'NATIONAL CENTRAL BUREAU' for India. This wing is the apex body in India to

deal with all matters relating to international police cooperation among the 154 member countries of INTERPOL. Briefly, the functions of the INTERPOL Wing are:—

1. Collection, collation and dissemination of intelligence on international crimes and criminals.
2. Collection, collation and dissemination of intelligence on narcotic matters and drug related offences including study of latest trends, modus operandi, implementation of drug laws etc.
3. Providing assistance in requests for investigation received from foreign INTERPOLs as well as Indian law enforcement agencies.
4. Providing information on national and foreign pena and procedural laws, extradition treaties on mutual assistance in criminal matters, emerging trends in legislation in foreign countries and changing trends in modus operandi of international criminals received from foreign INTERPOLs as well as Indian law enforcement agencies.
5. Arranging for Regional INTERPOL conferences on ordinary law crimes, preparation of exhaustive notes for various Indian delegations attending INTERPOL conferences abroad and liaison with visiting foreign INTERPOL officers.

2.14 Asked to indicate the extent to which work of C.B.I. had increased after the transfer of work of Interpol, Ministry has stated that the work load in the Interpol Wing has gone up tremendously: When the Interpol Wing started in India the total membership of the Interpol was 78 and today it is 150 member countries. The figures for the years starting from 1967 to 1989 are given below and show the receipt and despatch of papers/documents with the Interpol Wing.

<i>Year</i>	<i>Receipt Total</i>	<i>Despatch Total</i>
1967-71	21,195	41,180
1972-76	44,076	83,661
1977-81	52,061	48,514
1982-86	62,130	45,855
1987-89	33,982	34,472

2.15 The Interpol Wing also helps in completing investigation of complicated cases. The work of the investigation involves correspondence

with Indian agencies and foreign agencies. Some queries are raised and replied to. Given below is a chart showing the increase of work connected with part investigation in the Interpol Wing.

<i>Year</i>	<i>Total Number*</i>
1967-71	204
1972-76	204
1977-81	370
1982-86	949
1987-89	659

2.16 Apart from routine work Interpol staff has to receive, see off and also to extend normal courtesies to foreign delegations visiting India through the Interpol net. The Interpol Wing has also to make proposals for various delegations going for Interpol Conferences, send them to the Ministry of Home Affairs and also make arrangements for their stay abroad. In the year 1989, 11 Conferences were held by the Interpol, whereas in the year 1967 the figure was only 1. In the year 1988 the total number of Interpol Conferences held was 17.

A recent amendment (April, 1990) made in the Cr. PC by way of Section 166A has put further pressure on the resources of Interpol Wing. According to this notification, the Interpol Wing has been designated the nodal agency to pass on cases of investigation outside India. This involves close scrutiny of case papers and if there are any shortcomings they are pointed out and rectified leading additional correspondence. No extra staff has been given to the Interpol Wing for this work.

2.17 On the proposal for augmentation of staff Ministry has stated that there is a need for increasing staff of Interpol Wing in view of the tremendous increase in its work. In view of the already existing pressure in the Interpol Wing, the present complement of staff is incapable of dealing with additional work load in an efficient manner.

2.18 In this regard the Committee set up under the Chairmanship of Cabinet Secretary to look into the functioning of CBI, inter-alia, stated as follows:

“During 1985, 204 requests for assistance in investigations were received from various countries. At present Interpol Wing do not engage themselves in investigation, as they only get it done through the State Investigating Agencies, because of inadequate manpower and also because of the restrictions on the CBI to undertake investigation of every type of offence in the States. The delay and complaints emanating from the various countries referring cases to CBI as National Central Bureau of India for investi-

gation demand immediate establishment of an Investigation Cell in the Interpol Wing in CBI.”

A formal proposal for expansion of the Interpol Wing has been sent to Ministry of Home Affairs.

2.19 Asked to indicate the steps taken or proposed to be taken by Ministry of Home Affairs to strength the Interpol Wing, the representative of the Ministry during his evidence stated:—

“.....the CBI has sent a proposal for creation of an investigation cell based on the recommendations of the Secretaries Committee which went into the question in 1985. In the year 1987, they give their recommendation. Accordingly this proposal was received and has already been carried at the level of Home Minister. Now, we are preparing the note for CCPA clearance. This is one of the first requirements of the INTERPOL wing. Then the staff have to be specially trained to handle some particular types of crimes. There are references of various categories of crimes there are references of regular crimes, ‘there are references about drug trafficking and there are references about counterfeiting of currencies. So, the investigating staff have to be specially trained to handle these types of crimes, if Interpol ha. to act independently.”

2.20 In a subsequent note Ministry has stated that for the present, the Government has been requested to sanction the following staff for the Investigation cell of Interpol:

Dy. SP	—	3
Inspector	—	6
A. S. I.	—	1
Constable	—	7
Crime Asstt.	—	1
U. D. C.	—	1
L. D. C.	—	1
Steno. Gd. D.	—	1
		21

2.21 However, a further review has been conducted and a fresh proposal for further expansion of Interpol shall be submitted by the CBI to the Govt. soon. The proposal was sent to Ministry of Home Affairs (MHA) by the CBI on 4.4.90. The M.H.A. has now asked for certain clarifications which are being given.

2.22 Asked by the Committee to indicate the immediate requirements to streamline the functioning of INTERPOL the Ministry in a subsequent

note stated that (i) The Interpol Wing should be directly linked with Interpol Hqs. The Interpol Hqs. has recommended to every Interpol country to acquire an on-line computer. Acquisition of this system will enable Interpol Delhi to be in constant touch with the Interpol Hqs. with updated information on fingertips. Purchase of this equipment will, tentatively cost Rs. 3 lakhs. This will require the approval of Government of India for release of foreign exchange.

(ii) In keeping with international standards, Interpol should be housed in a separate building.

(iii) Procurement of a 'Crypto AG' Fax machine has been recommended by Interpol Secretary-General. This fax machine is insulated against interceptions and has already been acquired by many INTERPOL Wings. Its approximate cost would be Rs. 5 lakhs.

(iv) A separate cell headed by an Assistant Director needs to be created in the Interpol Wing to collect information on national and foreign penal and procedural laws, extradition treaties etc. This cell could also deal with the subject of mutual assistance in criminal matters among Commonwealth countries. In fact the Commonwealth Secretariat organises triennial conferences of the Law Ministers of Commonwealth countries where this item is invariably on the agenda. A representative of the CBI invariably attends these conferences as a delegate but there is no unit at present to service this aspect of work.

(v) Interpol, Lyons runs training programmes for officers working in the Interpol Wings of member countries. However, the Government has not so far agreed to CBI proposals to send officers of the rank of Dy. Sp./ Inspectors or below to attend such training programmes with the result that the lower functionaries of the CBI/Interpol Wing have little on the ground familiarity on the functioning and requirements of the Interpol.

D. Central Forensic Science Laboratory

2.23 The Central Forensic Science Laboratory caters to the requirements of the CBI as well as the Delhi Police. It also renders assistance to the various investigating agencies in the country wherever such assistance is sought. The administrative control of this Laboratory is, however, with the Central Bureau of Investigation. The Laboratory is also available for reference and tests as well as for the training of Police personnel of Delhi and Himachal Pradesh and other neighbouring states not having these facilities.

2.24 Asked as to whether the Central Forensic Science Laboratory was equipped to cater to the requirements of CBI, Delhi Police and other investigating agencies in the country, Ministry of Personnel stated that the Central Forensic Science Laboratory is well equipped with the sophisticated equipments and is rendering assistance to CBI, Delhi Police and other investigating agencies in the country. However, there is shortage of

staff in CFSL and as such the laboratory is not able to dispose of all the cases within the stipulated time of 90 days.

2.25 Asked to indicate the extent of staff shortage in CFSL, Ministry has informed the Committee that one post each of Senior Scientific Officer, Grade-I, Sr. Scientific Officer, Grade-II, Sr. Scientific Assistant, Scientific Assistant, Laboratory Asstt. and Laboratory attendant were vacant. The Ministry further stated that the following proposal for augmentation of staff in Documents Division, Chemistry Division and Ballistics Division in CFSL, are under the consideration of Government.

<i>Division of CFSL</i>	<i>Additional Staff asked for</i>
1. Documents Division (Proposal sent in 1987)	12
2. Ballistics Division (Proposal sent in 1987)	6
3. Chemistry Division (Proposal sent in 1986)	9

Of the above, the proposal relating to the Ballistics Division has been sanctioned by the Ministry of Home Affairs. The remaining two proposals are still pending with them.

2.26 A representative of the Home Ministry further added:

...The Chemistry Division asked for nine additional posts which need sanction of Rs. 2.50 lakhs and for the Documents Division, 12 additional posts involving an expenditure of Rs. 5.35 lakhs have to be sanctioned and they have been processed in the Ministry.....Out of these one has already been sanctioned.”

E. Ccoordination with State Police

2.27 The power and jurisdiction of SPE for investigation of offences is concurrent with those of State Police officers. The role of SPE is mainly to supplement the efforts of State Police in combating certain forms of crime. To avoid duplication of efforts, an administrative arrangement has been arrived at between the Central Govt. and the State Governments about the types of cases to be taken up for investigation by the SPE. In so far as the cases involving public servants are concerned, the arrangement is that—

- (a) Cases which substantially and essentially concern Central Govt. employees or its affairs, even though involving certain State Govt. employees, shall be taken up by the SPE;

- (b) Case which substantially and essentially involve State Govt. employees or affairs relating to State Govt. even though involving certain Central Govt. employees, shall be taken up by the State Police.
- (c) The SPE is also authorised to take up case against the employees of statutory bodies or Public Sector Undertakings set up and financed by the Govt. of India.

In order to secure cooperation between SPE and the Ministries/ Departments of the Central Govt. separate directives had been issued by the various Ministries. However, in pursuance of the recommendations of the Committee on Prevention of Corruption (Santhanam Committee) a consolidated directive, known as 'Single directive' was issued by the Ministry of Home Affairs first in 1968. A revised and up-to-date version of the directive was issued by the Department of Personnel and Administrative Reforms in September, 1975. This has been further amended in August, 1985.

2.28 In a subsequent note, Ministry has stated that while this is the general arrangement, it is not possible for the Delhi Special Police Establishment Division to take up all cases falling under categories (a) to (c) above because of the paucity of staff and the necessity of its concentrating on cases involving bribery and corruption. It is therefore, a matter of discretion whether the State Police or the Delhi Special Police Establishment Division should investigate a particular offence even though it may have been notified under section 3 of the Delhi Special Police Establishment Act, 1946. Ordinary cases of theft, misappropriation, cheating etc., even if committed by Central Government employees have, therefore, to be dealt with by the State Police whenever the hands of the Delhi Special Police Establishment Division are full with other important cases.

2.29 Asked to elaborate further on the present administrative arrangement with the State, Director CBI stated:—

“There was a letter written by the Director, CBI to the DGs. of States saying how this can be worked out. The cases relating to State Government employees, State organisations, etc. can be investigated by the State investigating agencies and the cases having inter-State remification or international remification or cases relating to the security of the State can be investigated by CEI .”

2.30 Asked as to whether such an arrangement was acceptable to all the State Governments, the Director replied:—

“Yes, A letter was written to all the D.G.Ps. of the States and they have accepted it.”

2.31 When asked if it was possible to give some kind of statutory basis to this administrative arrangement, Secretary of the Ministry said during evidence that they would examine the possibility.

Another representative of the Ministry added:—

“What is contained in this letter has been incorporated in the CBI Crime Manual. If we want to give it a more formal status, we will request the State police organisation to incorporate in their State Police Manuals what is contained in this letter.”

2.32 Elaborating further, Director CBI stated:—

“Basically, the investigation by the CBI into the States’ matters is dependent on their consent being given. So, in formal arrangement, some of them may agree, some may not agree, some may give conditional consent. They want to put on more formal basis this administrative understanding that has been reached so far....Unless the Constitution is amended and the CBI is given police powers, there is no statutory basis for saying that certain crimes will be investigated by CBI. The only thing in this field is open for both the States and the Centre. The administrative arrangement is that both will not go and enter into the same field. This is only the broad administrative working arrangement. That is what is possible at the present moment.

2.33 Speaking on the coordination between State Police and CBI in dealing with cases having national/international ramifications, Secretary Ministry of Personnel stated during evidence as under:—

“In the case of Interpol I would like to say that the crimes which are international crimes which have ramification in our country, investigation may have to be done at the various State levels....The function of CBI is to coordinate between the State Governments, quickly collect the data and pass it on to the other country which has asked for our help. Some countries have a federal police and they have their own investigative agencies. They are able to collect the data quickly.....We have no federal police and the work has to be done through state police so, it has its own limitations. These deficiencies are there and are being commented upon and rightly so....”

F. Intelligence Set-up

2.34 The Special Unit of the CBI, which collects intelligence relating to corrupt practices in various Departments/Public Sector Undertakings and also of the activities of undesirable contactmen, is located in Delhi under the charge of a Dy. Insp. Genl. of Police. Since the offices of important Departments/Public Sector Undertakings of Government of India are located in Calcutta, Bombay and Madras and the CBI is expected to play a wider role in investigation of economic and commercial crimes as well as crimes committed by professional criminals, three more branches of Special

Unit have been established at Bombay, Madras and Calcutta, in view of the recommendations of a committee headed by the Cabinet Secretary in 1985.

2.35 The sanctioned and actual strength in newly created units at Calcutta and Madras and in Women Cell as given by the Ministry is reproduced below:—

Sl. No.	Designation of the Post	Delhi		Bombay		Calcutta		Madras		Women Cell	
		S.S.	A.S.	S.S.	A.S.	S.S.	A.S.	S.S.	A.S.	S.S.	A.S.
(1)	(2)	Sanctioned Strength		Actual Strength		(7)	(8)	(9)	(10)	(11)	(12)
1.	DIG	1	1	—	—	—	—	—	—	—	—
2.	S.P.	2	2	1	1	1	1	1	1	1	1
3.	Dy. S.P.	12	7	3	1	3	—	3	1	2	—
4.	Inspector	10	10	3	2	3	2	3	3	4	1
5.	Sub-Inspector	14	4	3	1	3	—	4	1	2	—
6.	A.S.I.	7	7	3	—	3	—	3	3	1	1
7.	Head Const.	19	19	6	6	6	3	6	—	2	2
8.	Constable/ Const. Drivers	44	41	16	13	16	8	17	8	7	—
9.	Public Prosecutor	—	—	—	—	—	—	—	—	1	1
10.	Office Supdt.	1	1	—	—	—	—	—	—	—	—
11.	Head Clerk	1	1	1	1	1	1	1	1	—	—
12.	U.D.C.	1	1	2	2	2	2	2	2	1	1
13.	L.D.C.	7	7	2	2	2	1	2	2	—	—
14.	Steno. Gr. 'C'	1	1	—	—	—	—	—	—	—	—
15.	Steno. Gr. 'D'	6	6	2	1	2	2	2	2	3	—
16.	Daftry	1	1	1	—	1	—	1	—	—	—
17.	Safaiwala	1	1	1	1	1	1	1	1	—	—
18.	Peon	—	—	—	—	—	—	—	—	1	—
19.	Jr. Gest. Opr.	1	1	1	1	1	1	1	—	—	—
20.	Jr. Hindi Trans.	1	—	—	—	—	—	—	—	—	—

2.36 Ministry has stated that on account of large number of vacancies, the special units at Bombay, Calcutta and Madras and Women Cell could not be made fully operational. However, all out efforts were being made

to carry on the work by optimum utilisation of available manpower in these 4 places.

Ministry has further stated that bulk of these vacancies pertain to deputation quota. They could not be filled up due to unwillingness of State Officers to come on deputation. Following measures are being taken:

- (i) A proposal for making terms of deputation more attractive is under process.
- (ii) The CBI is pursuing the matter with the State Governments to get suitable nominations.

2.37 Asked by the Committee during evidence whether the CBI had adequate staff to find its intelligence source, The Director, C.B.I. stated as under:

“May I clarify that our intelligence collection is limited mainly to collection of intelligence on corruption matters, economic offences. We have special units located at Delhi, Bombay, Calcutta and Madras. They collect intelligence and conduct secret enquiries, mainly on the matters relating to corruption. That is our limited role of intelligence. We do not collect intelligence relating to security of the State or national security”.

2.38 Asked further whether CBI was satisfied with the exchange of collection, collation and dissemination of intelligence especially in its work related to narcotic, economic offences or with Interpol, the representative of the Ministry stated:

“On other matters, apart from anti-corruption, we have narcotics intelligence. We have other specific crimes and economic offences investigation. On economic offences only special units collect intelligence. The other field units do not collect intelligence. They are specifically barred from collecting intelligence because it can lead to malpractices. But the special units which are directly under the CBI Hqrs., collect intelligence on anti-corruption and to a limited extent on Narcotics. We do not collect any intelligence on terrorists crime.”

2.39 Regarding the coordination between CBI, State Police and other intelligence agencies on regular exchange of intelligence on the crimes relating to Border Wing, Narcotics etc. The Director CBI stated:—

“There is cooperation between ourselves. There is exchange of information but I do not think we have established channel of intelligence sharing on narcotics. On terrorism, there is some exchange of information. For example, on Punjab terrorism, CBI periodically calls a meeting at Chandigarh where officers from Punjab Police, Haryana Police, Delhi Police, CBI and IB take part and share the information.”

G. Border Wing

2.40 Due to the influx of illegal migrants, criminals, terrorists and smugglers across the Western Border of the country, Government of India decided to set up a Cell in CBI for indepth investigation in respect of such persons apprehended by BSF within a defined belt along the Western Border. For this purpose Central Govt. notified certain offences under the Indian Penal Code and some other Special Acts under Section 3 of the Delhi Special Police Establishment Act, 1945. The consent of the State Govt. concerned viz. Punjab, Rajasthan and Gujarat were obtained whereafter the Central Govt. issued Notifications u/s 5(1) r/w Sec. 6 of DSPE Act for investigation of such offences by CBI. Under the Scheme, CBI were to exercise jurisdiction over an area falling within the belt of 15 KMs. in Punjab, 50 KMs. in Rajasthan and 80 KMs. in Gujarat running along the International border of India with Pakistan.

2.41 Further clarifying the objectives for which Border Wing was set up, Director CBI during his evidence before the Committee stated:—

“Border Wing’s basic objective is to investigate cases. It does not collect intelligence; nor does it perform any functions of a watch-dog on the border.

Whenever BSF apprehends any drug smugglers or arms smugglers or criminal, it is supposed to hand over that person and the confiscated arms or drugs to the CBI to investigate the case further.”

2.42 Department has further stated that pursuant to instructions from the Government of India, CBI sent a proposal on 5.9.1985, for creation of 943 posts with following set up in the Border Wing:—

- (1) Office of Jt. Director at Delhi;
- (2) Offices of DIG at Jalandhur (Punjab) and Jodhpur (Rajasthan);
- (3) Offices of S.P. at Gurdaspur, Amritsar and Ferozpur in Punjab; Sriganganagar and Barmer in Rajasthan and Bhuj in Gujarat; and
- (4) 20 Units each headed by a Dy. SP in Punjab; 8 in Rajasthan and 2 in Gujarat.

2.43 The Government, however, sanctioned only 413 posts on 31.10.1985 including one post of DIG; 2 of SP and 4 of Dy. SP. With these posts, it was decided to set up the office of DIG at Delhi; one Branch headed by SP at Amritsar (with 10 Units under it) and 2nd Branch at Bikaner (later shifted to Jodhpur) with 8 Units in Rajasthan and 2 in Gujarat. Meanwhile the Government of Punjab withdrew its consent on 26.11.1985 with the result, the operation by CBI in Punjab remained in abeyance.

2.44 Explaining further the reasons for inadequate staff strength, Director CBI stated:—

“Originally 413 posts were sanctioned. Since Punjab did not come within our purview, that portion went to the normal CBI activity and the remaining portion of 202 posts were deployed in Gujarat and Rajasthan.”

2.45 Asked to explain as to why Punjab remained out of purview of the Border-wing, Director CBI replied:

“I don’t know, Sir.”

2.46 Giving reasons for the withdrawal of consent by Punjab Government, Ministry in a written note stated that the Government of Punjab had stated that the task can be performed equally competently by the State Police. Should the requirements of the situation so dictate, additional police force, personnel can be inducted into the border areas for expeditious investigation and follow up. According to State Government multiplicity of investigating agencies holding concurrent jurisdiction is anomalous and likely to result in confusion instead of achieving the desired objectives.

Staff Strength in Border Wing (BW)

2.47 Statement showing (1) the total posts sanctioned for BW; (2) posts allocated to Punjab Sector, Headquarters CBI and Branches other than BW/SIC-IV; (3) posts originally allocated to DIG’s Office at New Delhi, Jodhpur Branch and Unit under it; (4) Posts reallocated as a result of reorganization in 1988, is as under:—

Sl. No.	Rank	Total posts sanctioned for BW	Posts allocated to Punjab Sector; HQ CBI & Branches other than BW (SIC-IV)	Posts originally allocated to DIG’s office at New Delhi, Jodhpur Branch & Units under it	Posts reallocated to SIC-IV & Jodhpur Branch & Units under it, as a result of reorganization in 1988
1	2	3	4	5	6
1.	DIG	1	— (DIG/Co. Cell/CHG. Regn. to look after Pb. Sector)	1	1
2.	SP	2	1	1	1

1	2	3	4	5	6
3.	Dy. SsP	4	2	2	5
4.	Inspers.	20	10	10	13
5.	S.I.S.	44	22	22	19
6.	ASIs	21	12	9	9
7.	HCS	40	20	20	19
8.	PCs	205	105	100	100
9.	DLA	1	—	1	1
10.	Sr. PP	2	1	1	1
11.	PPs	14	7	7	7
12.	OS	2	(CHG. Regn.) 1	1	1
13.	CAs	2	—	2	2
14.	Hd. Clerk	3	2	1	1
15.	UDCs	9	4	5	5
16.	LDCs	34	19	15	15
17.	SCS(Gd. C)	1	—	1	1
18.	SCS(Gd. D)	7	4	3	8
19.	Daftry	1	1	—	1
TOTAL:		413	211	202	210

2.48 Explaining the reasons for shortage of manpower in the Border Wing, Deptt. has stated that at the time of initiation of the Scheme it was expected that the States concerned as also the BSF would provide the manpower; accommodation (both official & residential); arms/ammunition; security/wireless equipment etc. However, after series of meetings held with officers of BSF, State Police of Rajasthan, they declined to provide the manpower and infrastructure due to their own constraints. It was decided that CBI should take up very selective cases pertaining only to Section & Laws notified so far under Sec. 3 and 5(1) r/w Sec. 6 of DSPE Act. CBI lined up limited staff and the infrastructure from its own resources at Anoopgarh, Raisinghnagar, Sriganganagar, Bikaner, Barmer (2 units) Jaisalmer (2 units) in Rajasthan and at Dantiwadas and Bhuj in Gujarat.

2.49 Working of the set-up of Border Wing was reviewed in 1988. It was considered that in view of the limited resources, the Units

headed by Inspector could not function effectively. It was, therefore, decided to reorganise the existing set-up.

The arrangement arrived at after review in 1988 continued upto 30.9.90. On a further review, it was felt that since DIG Border Wing mainly dealt with cases pertaining to Rajasthan and Gujarat, his services could be more effectively utilised if the post was shifted to Jaipur. Accordingly DIG's post was shifted to Jaipur. The supervision of SIU-XI (Narcotics) and SIU-XII (Antiques) branches were withdrawn from DIG Border Wing and instead the charge of Ahmedabad branch (as it is located in Gujarat) was given to DIG Border Wing, now re-designated as DIG- Jaipur.

The Rajasthan and Gujarat Sector of Border Wing have so far registered and investigated 9 cases (2 in 1987, 4 in 1989 and 3 in 1990) pertaining to terrorist activities across the specified belt in the border area of Rajasthan and Gujarat. Besides, after reorganisation, Jodhpur branch registered anti-corruption and special-crime cases also during 1989-90. The figures are 14 and 18 for 1989 and 1990 respectively.

The Ministry continued that a fresh review of the Border Wing was undertaken recently and the following changes are being contemplated:

1. It was found that the name 'Border Wing' was inappropriate and not fully reflecting its functions. Since the Wing has also started doing Anti-Corruption and Special Crime Work it is proposed to abolish the name 'Border Wing' and regard the Jodhpur Unit as yet another branch of the CBI like other branches functioning in the country.

2. This Branch will now be supervised by DIG Jaipur Region.

3. The Jodhpur Branch will, apart from continuing to investigate cases in regard to smuggling of arms & narcotics entrusted to B.S.F. and Rajasthan Police, also collect intelligence regarding smuggling of arms, narcotics and illegal infiltration from across the border.

4. Bhuj Unit is proposed to be shifted to Kandla so that it can apart from performing the roles outlined above also intensify anti-corruption work in the export processing Zone. The proposed Kandla Unit will cover the Districts of Kutch, Banaskantha in Gujarat and will function under the control of SP, CBI, Ahmedabad.

5. Fresh efforts will be made to persuade the Punjab Government to restore the permission that had been withdrawn earlier in regard to investigation of cases relating to infiltration of men, arms and narcotics from across the Pakistan border.

Conclusion and Recommendations

Conclusion

2.50 The Committee are apprised that out of a total of 8 Divisions in CBI, 5 are under the Ministry of Personnel and Training and the remaining under the Ministry of Home Affairs. Ministry of Personnel is responsible for the overall supervision and formulation of the policies of CBI. The

Committee are also informed that this dual control has adversely affected the functioning of the CBI as such an arrangement is not conducive to smooth coordination amongst its various divisions. The Committee therefore went into the question as to which of the two Ministries ought to be the nodal agency for CBI. The Committee were informed by Secretary, Ministry of Personnel and Administrative Reforms that in view of the CBI being essentially an anti-corruption agency it ought to function under the control of that Ministry. On the other hand, representative of Ministry of Home Affairs contended that since at the moment investigative officers of the CBI are drawn from the cadres controlled by the Ministry of Home Affairs, the question of an appropriate Nodal Agency for CBI called for a fresh examination. The Committee, also, note that the Ministry of Home Affairs comes again into the picture in regard to the activities of the CBI which relate to complicated crimes, inter-state, and trans-national crimes.

Recommendation

2.51 The Committee recommend that CBI should be under one nodal Ministry. They feel that the matter be re-examined to ensure smooth functioning of CBI. They are of the view that C.B.I. being essentially an anti-corruption agency, should more appropriately work under the Ministry of Personnel.

Conclusion

2.52 The Committee also examined the option of creating two separate bodies: one dealing with anti-corruption work and other with the investigation of special inter-state and trans-national crimes. They are informed by the Ministry of Personnel Public Grievances & Pensions that while sufficient emphasis is being given by CBI to the anti-corruption work, for a long time now need has been felt for the Central Govt. to have a police investigation agency of its own to investigate offences of national and trans-national importance and matters affecting the unity and integrity of the country. They were further informed that CBI as it is organised today is not fully equipped to discharge these growing responsibilities. The Committee deprecate that with increasing involvement of CBI officers in investigation of sensational crimes of various nature it is able to tackle this added workload only at the expense of anti-corruption work which otherwise remains the basic responsibility of CBI. The Committee understand that such responsibilities can be handled only by a body which has the authority and character of a National Police Agency. The Committee appreciate the difficulties involved in the creation of an altogether new body.

Recommendation

2.53 The Committee are of the view that above difficulties notwithstanding the question of creating a National Police Agency as distinct from CBI needs to be addressed to promptly and with utmost seriousness. The Committee desire that this question may also be discussed in the proposed

conference of Chief Ministers. They also desire that in case it is agreed to have a separate body for investigation of crimes of national and transnational importance, that body may appropriately be under the control of Ministry of Home Affairs.

Conclusion

2.54 Interpol Wing of CBI presently designated as National Central Bureau for India, is the premier agency in the country dealing with matters relating to international police cooperation among 154 member countries of Interpol. The Committee note that the functions of Interpol Wing are mainly Collection, Collation and dissemination of intelligence on International crimes and criminals, narcotic matters drug related offences, attending to request for investigations received for Interpol and other related matters. They also find that during its 22 years of formation the workload of Interpol has registered an increase of 88%. The Committee further observe that a recent amendment has been made in the Cr. P.C. by way of Section 166A where by Interpol Wing has been designated as the nodal agency to pass on cases of investigation outside India. They also find that no extra staff has been given to Interpol Wing for this task.

2.55 The Committee feel that it is a matter of great embarrassment for the country that delays have been taking place in investigating cases referred to by member countries of the Interpol, essentially due to shortage of staff in the Interpol Wing. The Committee are unhappy to find that due attention has not been paid to an aspect which is of an only administrative nature and could have been resolved if timely action on the recommendations of its predecessor Committee (Fourth Lok Sabha) for augmentation of investigating staff had been taken.

Recommendation

2.56 The Committee, desire the Government to immediately take the decision on the proposal regarding establishment of investigation cell in Interpol Wing as also providing more staff in the Interpol Wing to cope with the increasing workload. They wish to add that this will also reflect India's commitment to a crime-free world.

The Central Bureau of Investigation has also apprised the Committee of various deficiencies in the Interpol Wing in regard to facilities. The Committee are fully conscious of the need to provide this prestigious segment of CBI with adequate technological support to make it comparable with international standards. They also need not emphasise that for proper dissemination of intelligence and prompt coordination with other investigative agencies, world over, it is essential that Interpol Wing is linked with Interpol Hqrs at Lyons.

The Committee are, distressed to find that no linkage has been established so far between the CBI and Interpol Hqrs, Lyons and desire immediate action in this regard. The Committee would also like the Ministry

to provide essential facilities like Crypto Ag, Fax machines, etc. as also a separate building for the use of Interpol Wing.

Conclusion

2.57 The Central Forensic Science Laboratory (CFSL) which till recently functioned as one of the Divisions of CBI caters to the requirements of CBI as well as Delhi Police. It also renders assistance to other investigative agencies. The Laboratory acts both as reference as well as a training establishment for police personnel of Delhi and Himachal Pradesh and those neighbouring states which do not have these facilities. The Committee note that the Laboratory is stated to be equipped with sophisticated equipment, and is required to dispose of cases within 90 days of its receipt. However due to shortage of staff in CFSL cases are disposed of between 6 months to 1 year.

The Committee are further constrained to find that staff augmentation proposals in respect of CFSL which were sent as far back as 1986 and 1987 are yet to be acted upon by the Government. The Committee infer that this is indicative of a very casual attitude on the part of Ministry of Personnel and Ministry of Home under whose administrative control the CBI and CFSL fall. The Committee also cannot but take a serious view of the complacent approach displayed with regard to the management of premier investigating agency of the country.

Recommendation

2.58 The Committee recommend that Government should immediately act on staff augmentation proposals in Central Forensic Science Laboratory pending with it for the last 4-5 years especially in regard to Documents and Chemistry Division and urge the Ministry not to lose further time in filling up the other vacancies in the CFSL.

Conclusion

2.59 The Committee note that to avoid duplication of efforts an administrative arrangement exists between CBI and the various State Police organisations regarding the type of cases to be taken up for investigation by them wherein powers of CBI and State Police are concurrent. The Committee, however, were informed by CBI, Director that present arrangement is working purely on an informal basis and does not have any legal sanctity. They feel that to enable CBI to perform its task effectively, especially in dealing with cases having international ramifications, it is necessary that all the State Police agencies give to it their utmost cooperation. However, the Committee feel that such cooperation does not seem to be forth coming promptly under the present arrangements.

Recommendation

2.60 The Committee desire the Government to examine the question of giving statutory basis to the existing administrative arrangement for obtaining the cooperation of State Government. The matter can be considered along with the question of giving a legal status to CBI. However, till any such statutory basis is provided, Central Government should invite the attention of State Government to their constitutional obligations in this regard.

Conclusion

2.61 The Committee are apprised that the role of CBI in regard to intelligence collection is limited mainly to collection of intelligence on matters relating to corruption and economic offences. Further, the Bureau does not collect intelligence relating to security of State or national security. The Committee are further informed that the special units of the CBI meant for collecting intelligence relating to corrupt practice in various Departments/Public Sector Undertakings as also the activities of undesirable contact man are short of the sanctioned strength by 33.5% as 177 posts are lying vacant. They note that the vacancies have arisen mainly on account of non-filling of deputation quota. They are dismayed to find that a primary and important aspect of anti-corruption work has not been given adequate attention so far.

2.62 The Committee are also informed that the CBI does not have any extended intelligence gathering or dissemination of intelligence in the areas relating to narcotics and drugs related crime. They, however, find that there is not much coordination between the CBI and State Police and other intelligence agencies for regular exchange of intelligence on crimes relating to narcotics and trans-border crimes.

Recommendation

2.63 The Committee desire the Ministry to take urgent and immediate steps for strengthening of Special Units of CBI collecting intelligence relating to corrupt practices in P.S.U and Units so that the efficiency of the Organisation is not impaired merely due to lack of administrative action. The Committee are of the definite view that interaction with State Police Organisation would immensely help the CBI and hope that in future the CBI will take effective steps in strengthening the coordination between the State Police Units as well as other intelligence agencies.

Conclusion

2.64 Border Wing of the CBI was set up to investigate cases against smugglers, criminals, terrorists, etc. apprehended by the Border Security Force (BSF) across the western border which comprise of three States mainly Punjab, Rajasthan, Gujarat Under this arrangement the criminals apprehended are to be handed over to the Border Wing of CBI for further investigation. The consent of the Government of these three States was obtained

after which the Central Government issued a notification under Section 5(1) R/W Section 6 of DSPE Act for investigation of such offences by the CBI. However, in 1985 the Government of Punjab withdrew its consent as a result of which the operation of the Border Wing in Punjab remained in abeyance.

The Committee are informed that the matter regarding restoration of consent on investigation of cases in Punjab would be taken up with the Punjab Government.

Recommendation

2.65 The Committee are distressed to find that the Border Wing which was primarily set up to investigate cases against smugglers, criminals etc. apprehended by BSF especially along with sensitive areas like Punjab, Rajasthan and Gujarat has not been able to function mainly because of non-cooperation of the State of Punjab which has some of the highly terrorist infested areas. The Committee note with dismay that the State Government have justified this non-cooperation on the plea that such an activity by the CBI will only lead to multiplicity of investigating agencies holding concurrent jurisdiction that is anomalous and likely to result in confusion. The Committee are unable to agree with this assessment. They find it even more disquieting that the CBI did not make any concerted efforts to pursue this matter with the Punjab Government nor did the Government impress upon the State Government the necessity of restoring the permission to investigate such cases. It is only now that the Government has stated that they will be making a fresh effort. The Committee are of the firm view that if the Border Wing has to function effectively the consent of the Government of Border States is of paramount importance in achieving the objective of preventing economic offences like smuggling becoming a bulwork of terrorism.

CHAPTER III

ADMINISTRATION

A. Organisational Set up

3.1 Apart from 8 different Division at the apex level, CBI has at present 22 branches with 9 sub-units under 9 branches located in various states which mainly investigate cases of bribery and corruption, Economic offence Wing which now forms part of special crime Division has 4 branches in Metropolitan Cities. This Wing deals with not only cases of violation of Import and Export Control Act, but other fiscal laws of the Central Government. Besides these 26 Branches in the field there are 16 central investigating units with all India jurisdiction, all located in Delhi. The Ministry has stated that it is necessary that this principal arm of the Central Government with an established reputation for fair and objective investigation should be so constituted as to meet the increasing demands made on it.

3.2 With a view to making it an effective agency, *inter-alia*, to the task of rooting out corruption in Administration, as desired by the 49th and 65th Report of the Estimates Committee, the Government had vide their order No. 226/1/82-AVD.II dated 14th March, 1985 constituted a Committee under the Chairmanship of the Cabinet Secretary to review the role, functions and working of the CBI.

That Committee recommended that CBI should have three major Divisions, namely (1) Anti-Corruption Division for investigation of Cases of bribery and Corruption (2) Special Crimes Division for investigation of Economic Offences and various types of other offences, and (3) Administration and support Division. It was recommended that each Division should be under an Additional Director.

The recommendations of the Committee were approved by the Hon'ble Prime Minister of India in March, 1987. Regarding creation of three major Divisions in the CBI, the Prime Minister approved creation of two major Divisions, namely Anti-Corruption Division and Special Crimes Division, each under an Additional Director. For the Administration and Support Division it was desired that the present structure of Administrative and Support Services existing in the CBI may be continued.

B. Staff Strength

3.3 In regard to inadequacy of staff in CBI, Director CBI during evidence stated:—

“The CBI staff strength is 4200 approximately. As of today, there are 3500 posts and we have about 700 vacancies and most of these vacancies pertain to the deputationists. We face problems of getting deputationists. It is not so much at the officers’ level.”

The category wise details of sanctioned and posted staff strength are as under:

Category of Posts	Sanctioned Strength	Actual strength	% shortfall
Executive posts	2924	2381	19%
Prosecuting Posts	147	100	32%
Ministerial Posts	957	757	20%
Gr. D. Posts	117	101	33%
Technical Posts	62	21	66%

3.5 Asked to explain the reasons for actual strength being much less than the sanctioned strength, Ministry has stated that the bulk of the vacancies in the different ranks pertain to the deputation quota. Our past experience shows that presently from the State Police particularly the rank of Inspector and Dy. SP do not readily come on deputation. The main reason for this is that the service conditions of State Police Officials in these ranks have considerably improved.

3.6 Ministry has further stated that it is not possible to exactly identify what has resulted in such staff shortage in the CBI. There is generally a time gap between officers returning from deputation to their respective stages and new officers being positioned. In such circumstances the work load on officers who have been repatriated, is taken over by the available officers. The Ministry informed the Committee that vacancies included 8 posts of Superintendents of Police, 29 posts of Deputy Superintendents of Police, 95 posts of Inspectors of Police and 113 posts of Sub-Inspectors.

3.7 Regarding the impact of staff shortage on the working of CBI Ministry has stated that paucity of staff has hampered the performance by way of delays in investigations, mounting pendency of cases, under

court trials and Departmental Action cases where Investigating Officers of CBI have to appear as Pairvi/Presenting Officers. This also reduces efficiency in collection of informations, processing of cases etc.

However, efforts are made to ensure that the work does not suffer.

3.8 Asked to state the reasons for the reluctance on the part of deputationists to join CBI, Director CBI further stated:—

“We have no problem in getting the IPS officers of the rank of IG and DIG. There is reluctance in the rank of SP. It is so because the SPs do not get the staff car but at the level of IG, the staff car is provided to attend office. At the level of IG, accommodation and other things are also taken care of. So, at the SP level, we have problems. However it is not that great a problem. At the level of Inspector, we have the problem. We do not have much problem at SI level and below that because Sub-inspectors are directly recruited by the Staff Selection Commission. Sometimes, stagnation may be there and those posts will be vacant.”

3.9 He further added:—

“They are reluctant to come. They do not get all the perks they get in the States, they do not get risk allowance; they do not have the facility of encashment of leave..... All officers up to the rank of Inspector get one month's extra pay in other organisations. The same facility is available to officers in IB and RAW, but not in CBI.”

3.10 Asked as to why the terms and conditions of the officers of CBI were different from other similar organisation. Director CBI stated:

“A one-man Committee had been appointed to look into the matter relating to RAW and IB. That Committee gave its report in 1985 and after that they are getting this extra pay every year. We, on our part, have not proposed it.”

3.11 Another reason cited by the Secretary for the reluctance by the officers to join CBI is as under:

“At the junior level, officers up to the rank of Dy. SP, that is Sub Inspectors, Inspectors and Dy. S.P. are either of State services or direct recruits. They do not look to CBI as an organisation with opportunities for career prospects and they do not want to come because of the difficulties involved in the change of station etc. In the case of IPS officers, they look upon this as a career prospects. Doing a term in CBI will be useful to them later. Even in the case of IAS promotees, they do not want to come on deputation to the Government of India. At the lower level also, if a person has to come to Delhi, it means disrupting his settled life. They do not want to come unless there is some attraction. The change is not always looked upon with great favour. Then, there are hidden benefits in the local police which are not available in a more disciplined functioning of the CBI.”

3.12 Explaining further another representative of CBI stated:—

“We have direct recruitment to the posts of Sub Inspectors and Dy. S.P. The problem is that those officers who are selected by us have been trying for so many other posts also. If during the course from the time they wrote the examination till the time they were finally selected, they get selected elsewhere they go there. Even if they report for training and in the meantime they are selected somewhere else, they leave us. Even between Delhi Police and CBI, where the examination is the same, they prefer CBI. When we get a requisition of eighty, we get fifty and by the time they are asked to join for training, their number gets reduced to 30 and about ten leave during training and we end up with 20 only. That is how the backlog continues.”

3.13 Asked why CBI continues to rely on deputationists when they are not willing to join the organisation the Secretary said, “there is need of suitable mix of deputationists and promotees because they have to deal with various State Government.”

3.14 Asked how this situation can be redeemed the Secretary further added:—

“The only solution is that we think of improving their promotional chances.”

3.15 In this context the Committee enquired why better career prospects are not being provided to officers joining CBI from the open market. The Secretary in his reply stated:

“We are trying to amend the rules and revise the deputation quota from 50 per cent to 30 per cent and increase the promotion quota from 30 to 50 per cent. To some extent, it will improve the situation.”

3.16 The Ministry stated that following steps are also being taken:

- (a) The rationalised terms of deputation applicable to State Police Officials are being reviewed so that this could be modified according to the present needs.
- (b) The Recruitment Rules of Dy. S.Ps. are being amended to increase the promotion quota and decreasing the deputation quota.
- (c) Whenever necessary the vacancies meant for deputation quota are diverted to promotion quota so that the vacancies could be kept within the limit.

C. Man-power norms

3.17 The Ministry has stated that the following criteria is adopted for working out manpower requirement at present:

Investigating Officer (I.O.)

- (i) 3.25 Regular Cases per Investigating Officer per annum in respect of Anticorruption cases registered by CBI branches having jurisdiction within specified areas.
- (ii) 0.75 Regular Cases per Investigating Officer per annum in respect of Anti-Corruption cases registered by CBI branches having all India jurisdiction.
- (iii) 1.5 Regular Cases per Investigating Officer per annum in respect of Special Crime cases registered by CBI branches having jurisdiction within specified areas.
- (iv) 1.25 Regular Cases per Investigating Officer per annum in respect of Special Crime cases (other than Banking and Narcotics) registered by CBI branches having all India jurisdiction.
- (v) 1 Regular Case per Investigating Officer per annum in respect of banking cases registered by CBI banking branch having all India jurisdiction.
- (vi) 3 Regular Cases per Investigating Officer per annum for narcotics cases registered by CBI Narcotics Branch having all India jurisdiction.

In respect of certain special cases, having national/international ramifications and bearing on security of the nation, the above norms are not made applicable. In respect of such cases the manpower is worked out taking into account the importance of the case, the witnesses to be examined, the documents to be studied and other related factors.

3.18 Asked as to how these norms were established and whether there had been any review of these norms, the Ministry stated that the norms for working out manpower were derived by a team of Staff Inspection Unit, Ministry of Finance. After conducting the indepth study of workload involved on investigation of narcotics cases, SIU has recommended the norms of 3 RC per 10 annum for narcotics cases. Since the CBI was having certain reservation, for acceptance of these norms, this was discussed on various level including in the meeting of DCBI with Joint Secretary, SIU. It was felt that Ministry of Finance have not taken into account the various factors like speed in investigation, training reserve, leave reserve, non-investigation work involved in the cases etc. Later Ministry of Finance informed that SIU intends to hold a fresh study after sometime. However, pending a fresh work study by SIU, the norms indicated above are followed to work out man-power requirements.

3.19 Subsequently, Ministry has stated that the SIU of the Ministry of Finance last carried out the work study of CBI and submitted its Report in 1987. The Report was in two parts, Ist part relating to norms for

Investigation and Prosecuting Officers and 2nd part relating to requirement of Ministerial and Constabulary Staff in CBI.

However, as a result of reorganisation of CBI, it was not possible to implement the SIU recommendations. The SIU was apprised of this position. Ministry of Finance informed on 25.7.89 that in view of the changed situation, it would be necessary to carry out a fresh study of the reorganised CBI branches after a year or so when their work gets stabilised. SIU, Ministry of Finance are being requested to indicate the time when they can undertake work study again.

3.20 Asked to give suggestions for a reconstitution and strengthening of the CBI, Ministry stated that for strengthening the CBI in terms of Manpower and other resources, Perspective Plan for 4 years was chalked out in the year 1986. In the said Plan it was envisaged that for better and close supervision at Senior Level the branches will be grouped into Regions with Regional HQrs. in Delhi, Bombay, Calcutta, Madras, Chandigarh, Lucknow, Patna, Hyderabad, Jaipur, Shillong, and Bangalore. The DIG who will be incharge. of the Region will be posted at Regional Head Quarters. Each Region will have 3 to 4 branches in it. The new branches contemplated in the plan were at Nagpur, Bhopal, Madurai and Mangalore. Besides small units under the charge of Dy. SP were proposed at Varanasi, Pune, Goa, A&N Islands, Pondicherry and Agartala. The existing branches were also proposed to be strengthened so that these should be better equipped for handling both AC and SC cases. To strengthen the Intelligence Cell, the Special Unit at Bombay, Calcutta and Madras were proposed besides strengthening the existing SU at Delhi. The proposal also contemplated the strengthening of HQs. In regard to other resources, the plan envisaged increase in Motor Vehicles for better mobility and Messaging terminals for better communication.

3.21 Regional Offices at Delhi, Bombay, Calcutta, Madras, Lucknow, Patna, Chandigarh, Hyderabad, have been set up by Internal resources. For Shillong the proposal is under consideration of the Government. The branches at Nagpur and Bhopal have been set up. A Unit was also set up at Agartala. The proposal for setting up a Unit at A&N Island is under consideration of the Government. In addition for strengthening of HQs. set up by creation of Link offices for AC and SC Divisions is also under consideration. The SUs at Bombay, Calcutta and Madras have been set up. The vehicle position in the branches have also been improved considerably. The Messaging terminals have been set up. But still there is a lot to be done as the perspective plan could not be implemented in full mainly due to financial constraints.

3.22 On the strengthening of Economic offence wing Ministry stated that with the increasing work-load of CBI a need for increasing the scope of functioning of the Economic offence wing and strengthening it further was felt. In pursuance to the recommendations of the committee headed by

Cabinet Secretary, a special Crimes Division was created to deal with all conventional crimes including economic offences. Setting up of special Crimes Branches in the places other than the four Metropolitan Cities is now required to cope with the increasing work-load. This requirement is being examined in detail and would be incorporated in the new perspective plan which is under preparation.

3.23 In a separate note, Ministry has furnished following information regarding achievement in respect of targets laid down in the perspective plan. Perspective plan for CBI was drawn up for 4 years for the period 1986 to 1990 and submitted to Government in August, 86. Implementation of the perspective plan was taken up in phases owing to financial constraints.

3.24 There is a need to increase the sanctioned staff strength. Besides, calculating the strength as per the norms evolved by SIU, the additional strength for each branch is required to be given as per the following scale:

- (i) Grant of additional 20% weightage for the speed factor.
- (ii) Grant of additional 20% weightage for non-investigating work like verification of complaints, collection of sources information, 'pairvi' of court cases and action as presenting officer in RDA cases.
- (iii) Providing leave reserve and training reserve in all the ranks of Investigating Officers and Prosecuting Officers.
- (iv) Providing 3½ times Sub-Inspectors of the actual strength of Sub-Inspectors as the Inspectors perform investigation work of minor nature only after 5 years of services.

3.25 The Ministry also stated that following further problems need to be attended to enable smooth functioning of CBI:

- (i) Duties of the investigating Officers are multifarious. Besides investigation, the IOs have to attend the various non-investigation duties such as 'pairvi' of court cases. RDAs, verification of complaints/source information reports, searches and miscellaneous secret duties. For calculating the manpower requirement, the weightage needs to be given to these items of work. Some additional staff is, therefore, required over and above the norms to ensure proper attention in the non-investigation work without affecting the investigation duties.
- (ii) CBI's existing power to permit 40 air-journeys to non-entitled class of officers should be extended to 100.
- (iii) Separate posts of Inspectors/Dy. S.P. should be provided for working as presenting officers in branches.

D. Rationalisation of Promotion Policy

3.26 It has been stated that in the CBI there are mainly three cadres—Executive Cadre, Prosecution Cadre and Ministerial Cadre. The Recruitment Rules of all the cadres have been so framed so as to provide adequate promotional avenues to the deserving and efficient officials. Promotion is made after assessment of ACRs by the duly constituted Departmental Promotion Committees. To safeguard the interest of deserving candidates and ranks there is promotion quota by departmental examination while in other the quota of promotion is by the method of selection.

At present 50% of the promotions as DSP in the CBI are reserved for those who join CBI on transfer or deputation, only 30% of the promotion are reserved for employees of the organisation and remaining 20% are reserved for direct recruits in consultation with the Union Public Service Commission.

3.27 Asked to give reasons for reserving as much as 50% of promotions for deputationists/transferees Ministry has stated that recruitment rules for Dy. SPs provide so. However a proposal to amend the Recruitment rules of Dy. SP/CBI for providing better promotion prospects to departmental Inspectors of CBI is presently under reference to Union Public Service Commission to provide.

- (i) 30% by promotion.
- (ii) 20% by promotion through Ltd. Deptt. Exam.
- (iii) 30% by transfer on deputation; and
- (iv) 20% by Direct Recruitment through Service Exam.

Moreover diversion of vacancies from the deputation quota to the promotion quota have been resorted to from time to time by relaxing the recruitment rules for Dy. SP/CBI.

3.28 Asked as to whether there had been cases wherein persons on deputation who became Inspectors in their parent cadres only in 1985, 1986 and 1987 got promotions as DSPs in 1987 and 1988 superseding the CBI Inspectors working before 1985. Ministry has stated that there would be such cases as Recruitment Rules provide for taking Inspectors on deputation, as Dy. SP who have put in 5 years of service in that grade (Inspector) including the Service in their parent cadre.

3.29 Asked during evidence as to whether any disparity existed between promotional avenues for directly recruited and promoted officers, Secretary of the Ministry stated:

“They are given the benefit of promotion and they are also given certain perquisite. The deputationists come one step above their post when they came on deputation because of our inability of attracting the right people from the States.”

3.30 He further elaborated as under:—

“It is necessary for CBI to have in its organisation officers from different States because this helps them in conducting their business more efficiently. That is one reason. The second reason is that to have everybody directly recruited, requires considerable amount of careful planning and selection and all that. Therefore, there is a mix of both the direct recruits and deputationists. As regards promotion opportunities, the deputationists either come at the same level as they are in the State Government or at one level above. That is the principle on which they are coming on deputation. Deputationists are being appointed to particular posts whereas the direct recruits are part of the Cadre and they have got the opportunities for promotion. Actually promotion is only available to direct recruits.”

3.31 Speaking on the necessity of having deputationists and giving them more perquisites, Director CBI stated during evidence as under:—

“We have to offer some terms to them because as State Police Officers, they enjoy certain benefits which are not available here. They get certain allowances like risk allowances, they can encash their leave, they get 13 months pay and so on. All these things are not available here. That is why it is very difficult to get people on deputation so we have to offer attractive terms to them. The direct recruits will not have these terms.”

3.32 Asked as to how the present discontentment among the directly recruited officers of CBI resulting from less favourable promotion chances could be reduced, the Director CBI stated:

“I agree our own people should have some benefits. In the police cadre, they are entitled to 13 months’ pay whereas the CBI people are not having this benefit. I think they should also have this benefit.”

3.33 Secretary, Ministry of Personnel added:

“This is a part of the policy of pay and benefits. We recognise that there is need for retaining right people in the CBI and the quality of CBI has to improve.”

E. Computerisation

3.34 Presently C.B.I. Headquarters has a computer in which data of cases registered, cases referred for prosecution, cases referred for departmental action and the results of these cases are fed. The monthly crime report data from the branches are also fed into the computer and the reviews are being done on the basis of data retried from the computers. The ultimate plan is to have personal computers in all the branches which will act as terminals for the main computer in the C.B.I. Headquarters.

3.35 Elaborating further, the representative of C.B.I. during evidence stated:

“We have started computerisation from 1988 onwards. We have a central computer in which we feed all the information pertaining to CBI. We have also provided a computer to INTERPOL and we are also providing computers to three branches i.e. Madras, Bangalore and Cochin. There is a plan of providing computers to almost all branches but that would be done in a phased manner. In the first phase we are going to provide computers to these three branches because they have taken initiative and they have used the computers for the purpose of investigation also. This is an on going process. May be in the next three or four years, we would be able to provide computers to all the branches. We are buying computers which are compatible and they would be linked up with the central computer.”

F. Training Facilities

3.36 In the Preliminary Material submitted by the Ministry to the Committee it has been stated that there is a regular training outfit of CBI which caters not only to the needs of its own officers at various levels but also to those of State Police, State Vigilance Commissions, State Anti-Corruption Bureau and Public Sector Undertakings. Over the years the training courses have become exhaustive and numerous and the number of participants have also increased by leaps and bounds.

3.37 Asked by the Committee during evidence as to whether Department was happy with the training of its officers, the Director CBI stated:

“We don't have any Training Institute as of now. The Sub Inspectors whom we are recruiting have been given training at Saharanpur, Madhuban and Haryana. About DYSP's Sir, we have been training them till now in the National Police Academy, Hydereabad. Now the Home Ministry is saying that we cannot train our boys with them. We are going to take it up again with them and request them to let us train our boys till we set up our own Institution. This is the problem which we hope to overcome in two or three years.”

3.38 In a note to the Committee the Ministry stated that the C.B.I. has been conducting a number of training courses since its very inception as the Bureau in pursuance of Cabinet resolution of 1963. Initially, the training courses were run by the Training Centre under the care and control of the Administration Division. It is less then a decade since the training has been brought under the control of the Coordination Division and placed under the supervision of a Superintendent of Police (Trg).

2. The important in-service training courses that were being conducted by the Training Centre included “Special Course in Crime Investigation for CBI and State Anti-Corruption Officers”, “Company Law Course”, “Economic Offences study Course” etc. the first of which was examina-

tion oriented and all these three courses were conducted twice a year. In course of time, as per Gore Committee recommendation, an "Anti-Corruption Course for IPS Officers" (of 7 to 11 years service) was introduced in the Centre as one of the Career Planning Courses of the IPS Officers. There is also an Orientation Course for the SSP for briefing them on their entry into the CBI. After studying the subject matters of the old courses which were about a dozen in number, the same were restructured during 1986 and streamlined for their effectiveness.

3. With substantial expansion in the functional areas of the Central Bureau of Investigation over the years and with a view to specialize in investigation of facets of white collar and conventional crime, appropriate emphasis was laid on training in requisite specifics.

4. While the number of courses conducted by the CBI Training Centre was less than a dozen upto calendar years 1985, 1986 there has been a tremendous growth of the centre over the past few years, so far as the number of courses as well as number of participants are concerned, though the number of staff remained static almost upto the beginning of the current financial year 1990-91. The number of courses scheduled to be held in the current calendar year will be around 45. The courses have been designed to cover the cross section of all the levels of the officials including the constabulary. A number of serious professional courses introduced in the past few years include "Familiarisation with Business Management", "Application of Management Techniques for the improvement of efficiency in Police work", Course on "Investigation of Disproportionate Assets Cases", Course on "Investigation of Cases Concerning Frauds on Nationalised Banks, Insurance Companies, by Non-Banking Financial Institutions and Rackets in Lotteries". In addition, courses on Narcotic Drugs and psychotropic Substances, and the ones meant for the prosecuting staff and Vigilance Officers are sure to gain in popularity and increase the intake of participants by a big percentage. The figures of participants in the Training Centre courses conducted by the Centre from 1985 calendar year onwards are as under:—

			% Increase/ Decrease
1985	255	(CBI=100+Non-CBI=155) (in 12 courses)	—
1986	252	(CBI=104+Non-CBI=148) (in 12 courses)	15% decrease
1987	320	(CBI=140+Non-CBI=180) (in 15 courses)	26% increase
1988	499	(CBI=252+Non-CBI=247) (in 17 courses)	56% increase

			% Increase/ Decrease
1989	775	(CBI=273+Non-CBI=502) (in 26 courses)	56% increase
1990	730	(CBI=293+Non-CBI=437) (Till 12.7.90) (45 courses tentative)	55% increase

5. Considering the difficulties in sparing the field officers by the branches of the organisation spread all over India, a scheme of 'IN SITU' Training has been introduced in 7 regional and 10 branch offices of the CBI in May, 1988, covering more than 1000 participants annually. The capsules and course materials have been provided by the Training Centre as part of distant learning package with optional faculty support as well.

6. Though the popularity and demand of these professional courses have been increasing beyond arithmetic progression, the CBI has no fullfledged training institute as yet. Just about a year back 14 acres of land have been earmarked for the proposed institute at Ghaziabad at a distance of 24 K.m. from Delhi and the boundary wall has just started coming up. The Training Centre outfit functions with borrowed staff by internal adjustment and with only three faculty members, namely, one Supdt. of Police, one Dy. Supdt. of Police and one Sr. PP. the approval of the staff proposal since sent to the Ministry is awaited. Designs for the Administrative-cum-Acadmic blocks have been completed and estimates thereof forwarded to the Ministry. The designs for the Hostel blocks and the residential block are at final stage.

7. Besides, conducting the various In-Service training courses as indicated in the calendar and herein before the Training Centre has also been monitoring the year-long institutional training of the Sub-Inspector cadets at Police Training College-II, Moradabad (U.P.) and Police Training College, Madhuban (Haryana), with which there exists a tie-up arrangement on temporary basis. The Training Centre further arranges for nomination of the CBI Officers for various professional courses within India and abroad, so as to ensure that the professional expertise of its members is improved and up-dated.

3.39 In regard to progress achieved in setting up the regular training Institute for CBI the Ministry also informed the Committee that the estimate for the entire project comprising all the building complexes including the residential one are going to be submitted to the Committee on Non-Plan Expenditure. The designs for the academic and administrative complexes are more or less complete. Meanwhile the work on the compound wall at a cost of Rs. 2.44 lakhs has more or less been completed. The possession of 14 acres of land for setting up the Institute has already been taken over by the CBI.

The progress of the scheme is held up as the plans for the residential and hostel complexes are yet to be finalised by the Senior architect and the CPWD. This however, is likely to be completed within a month.

3.40 Asked to indicate the problems coming in the way of early establishment of training Institute, Ministry has stated that the Training Institute at Ghaziabad is likely to be fully operational only after the buildings are ready and will take at least two more years.

3.41 Asked during evidence as to how the work of Training Institute could be completed expeditiously the Secretary of the Ministry stated:

“Funds have always become a big problem and the Department of Personnel and Particularly training is one of the lower ends in the matter of getting funds from the finance always.”

3.42 Asked as to how much money was required and how much was allocated to CBI, Director CBI stated:

“We were given only for the boundary walls.”

3.43 Asked by the Committee whether financial sanction for this Institute was given, the Secretary of the Ministry stated:

“It is not there. In fact, we are awaiting it. They have given the estimated cost. It has gone to the Expenditure Approval Committee and we are yet to receive the financial sanction.”

3.44 The Committee were informed that CBI sent in the proposal for financial sanction just 3 months ago.

Asked how the Bureau was coping up in absence of a regular training establishment the Ministry stated that the In-Service training programmes are presently conducted in 2 improvised lecture halls on the 8th Floor of the Lok Nayak Bhavan, besides using the Conference Room of the C.F.S.L. in the C.G.O. Complex, Lodi Road, New Delhi. Occasionally accommodation is arranged by the other organisations like the Income-tax department and Police for specialised courses conducted for them.

The Training of CBI Cadets (directly recruited SIs) is being handled outside the CBI. A batch of 33 SIs is presently under training at P.T.C. Moradabad and is going to pass out in the month of October, 1990, Since the training arrangements at P.T.C. Moradabad were not found adequate, the new batch of 16 SIs has joined the P.T.C. Madhuban (Haryana) w.e.f. 1.6.1990. However, once the new Training Centre becomes operational, all this training will be done at Ghaziabad itself.

The Training Wing is part of the Co-ordination Division of CBI. At present it is headed by a Supdt. of Police and is assisted by one Dy. SP and one Sr. PP.

The Training Wing will be further expanded when the proposed Training Centre of CBI at Ghaziabad starts functioning.

G. Housing

3.45 The Ministry has stated that inadequate housing facilities in CBI have not only affected the performance of CBI personnel but this has also remained one of the inhibiting factors for the state police personnel to join the organisation.

The Ministry informed the Committee that the residential accommodation is available for CBI staff at following cities:

Ahmedabad
Bangalore
Dehradun
Hyderabad
Lucknow
Jabalpur
Patna
Ranchi
Shillong
Silchar
Srinagar
Visakhapatnam
Jammu
Simla
Nagpur
Bhopal
Jodhpur
Sriganganagar
Barmer
Bhuj
Co-ord. Cell Jaipur
Raourkela
Gauhati
Siliguri
Aizwal

Itanagar

Imphal

Bikaner *

Jaisalmer, Anupgarh, Raisinghnagar.

Level of Satisfaction

3.46 The norms for satisfying demand for the residential accommodation is as under:—

Type-I	to	Type-IV	50%
Type-V	and	above	80%

From the data furnished by the Ministry the Committee have observed that the percentage of satisfaction for all categories at Madras, under type I and type-II at Dhanbad and type-II and type-III at Calcutta, is below the above norms. Moreover type IV and type V quarters are not available at Bombay and Calcutta. At Jaipur there are no type-IV quarters. Similarly at Calcutta there are no type-I quarters.

3.47 Asked by the Committee to indicate the extent of inadequacy of residential accommodation, Director CBI during evidence stated:

“We have to rent accommodation at many places. This is a problem because CBI is a non-plan department and we do not get funds under the plan. The Planning Minister used to allocate funds under the plan head to housing but that they have now withdrawn. So, I don't think there is any hope of improvement.....”

3.48 Another representative of CBI added:

“I would request the help of Estimates Committee on this, Sir, CBI has in Delhi about 400 residential quarters the Directorate of Estate has said that it will in future not allocate any flat, any quarter to any of our employee. CBI is entitled to have 1700 quarters. So, till the remaining 1300 quarters are built, we will be deprived of quarters under the Estate Office. We are not asking for higher categories. It is only Type I, II and III quarters. The Estate Office has withdrawn this order by which they have debarred our persons to get quarters.”

3.49 In a subsequent note, regarding the reason behind the decision of Director of Estate for not allotting its houses to CBI officers, Ministry stated that though the deputationists are eligible for accommodation from the General Pool accommodation of the Government quarters controlled by Directorate of Estates (Ministry of Urban Development), inadequacy of such quarters leads to situations where the Directorate of Estates is not able to allot quarters promptly to the personnel.

3.50 An acute housing problem is experienced in Delhi where the requirement of accommodation by the CBI is 1859 quarters. While the CBI has constructed 450 quarters for the personnel, the remaining strength

of 1409 CBI Officials have to necessarily depend on accommodation provided by the Directorate of Estates. However, the Directorate of Estates have taken a decision not to allot any quarters to CBI personnel any more on the plea that the CBI has now its own pool of 450 quarters. This decisions of the Directorate of Estates has created serious problems and requires to be reversed.

3.51 Regarding steps initiated to cope with the problem of lack of residential accommodation Ministry has stated that following steps are being taken.

1. Land measuring 6000 sq.m at Dehradum was purchased. The matter is pending with CPWD for preparation of preliminary estimates.
2. Construction of an office building has been completed in Bangalore. Sanction has been received for construction of 34 staff quarters. However the construction work is held up due to a litigation relating to the land on which the construction is to take place.
3. 1.6 acre land has been purchased at Calcutta for construction of staff quarters. The matter is pending with the Ministry of Personnel for issuing administrative approval of Rs. 2 crores for construction of 68 staff quarters.

Conclusion and Recommendations

3.52 The Committee are informed that anti-corruption work has been given sufficient emphasis in the CBI. However, the same cannot be said about investigation of other offences which has received less than the required attention at all levels due to the organisation being under-staffed. In this context the Committee note that for its manpower requirements CBI depends to a very large extent upon State Police Organisations. In addition Indian Police Service Officers borne on different State cadres are also inducted into the organisation at senior levels. All these personnel come to the organisation on deputation. Apart from these CBI recruits staff and officers at different levels directly from the open market. The Committee are however dismayed to note that despite these arrangements, a premier organisation like CBI is ill-equipped both in terms of manpower as well as other resources like regional offices buildings at various places in the country, adequate housing facilities etc. to discharge its responsibility effectively. The Committee also note that one of the factors responsible for this situation is that the work-load of the CBI has been increasing while the staff strength has not increased in the same proportion resulting in reduced efficiency in collection of information and processing of cases, and delays in investigation etc. The other major factor which has accentuated this situation is that staff up to the level of SPs and below are reluctant to join CBI on deputation as the pay and perquisites offered by the Bureau compare unfavourably with those enjoyed by them in the State Police Service.

3.53 The Committee are deeply perturbed to note that CBI is faced with shortage of manpower at all levels and in all divisions including branch offices. They are further distressed to note that these shortages which are almost chronic in nature have substantially impaired its investigative potential. While the Committee appreciate the need by CBI to draw upon State Police organisations for its requirement of investigative manpower, they cannot over-look the fact that over-reliance of deputationists has been one of the major contributory factors for the manpower crunch which the CBI is facing today.

Recommendation

3.54 The Committee desire that the Government should crystalise its thinking on the staffing policy of CBI particularly the balance between the direct recruits and deputationist without further loss of time, and to so structure the recruitment and promotion policy of CBI as would help it to avoid being utterly dependant on State Police Organisation, in respect of junior level investigative officials. They desire that CBI should built a dependable, specialised and highly motivated investigative force. For this the Committee aver the need for providing attractive service conditions and better career prospects to those young men and women who might choose to join CBI. At the same time, they also desire the Government to provide deputationists such pay and allowances and other facilities which can compare reasonably well with those available in the State Police organisations, so that honest and competent officers of these organisations show greater inclination to serve in the CBI.

Conclusion

3.55 The Committee note that unjustified disparities exist in CBI in regard to the benefits being given to officers on deputation and those recruited directly from the market. The deputationists are not only inducted at one step higher but are also given other perquisites which are not available to departmental officers. While the Committee appreciate the necessity of having deputationist in CBI, they do not find any justification in putting the departmental officers in a disadvantageous position. They feel that in-equitous treatment being meted out to departmental officers is not only bound to cause a lost of heart burning amongst them but will also adversely affect their morale.

Recommendation

3.56 The Committee desire that to mitigate the grievances of departmental officers CBI in consultation with UPSC is now taking some steps like increasing their existing promotion quota from 30% to 50% in the rank of DSP. The Ministry of Personnel/CBI should vigorously pursue the matter and finalise these proposals at the earliest.

In this context, the Committee also desire to point out that their attention has been drawn to certain disparities existing between the emoluments admissible to deputationists and non-deputationists. The Committee would

like the Government to review the position immediately and to bring about a reasonable balance between emoluments of these two categories of staff in the C.B.I. The Committee therefore desire that the Ministry should consider the question of payment of 13 months salary to CBI deputationists/departmental officers as is admissible to State Police Officers.

Conclusion

3.57 The Committee note that Staff Inspection Unit of the Ministry of Finance had carried out work study of CBI and submitted its report in 1987, which was not implemented because the report did not take into account certain factors like speed in investigation, training reserve, leave reserve and non-investigation work involved in the cases. The Committee highly deprecate that Ministry of Personnel and the C.B.I. took 2 years to discuss the report of SIU, at the end of which they informed the Ministry of Finance in 1989 about their decision not to implement the recommendation of SIU. In their opinion this is indicative of the lackadaisical attitude of the Ministry of Personnel/CBI in dealing with the matter of assessment of manpower requirements of CBI which has now been kept pending till SIU submits its updated report after holding a fresh study.

Recommendation

3.58 The Committee will like the Ministry of Personnel, Public Grievances & Pensions to take up the matter in regard to non-implementation of SIU Report on CBI with Ministry of Finance and get the work-study of the reorganised CBI done immediately. The Committee desire that after receipt of the report Ministry should implement its recommendations under a time bound programme.

Conclusion

3.59 The Committee note that a Four Year Perspective Plan was chalked out in 1986, for reorganisation and strengthening of CBI. They are however constrained to note that all the objectives of the plan have not been achieved and that the organisational set up of CBI continues to be weak.

Recommendation

3.60 The Committee, desire that all the proposals contained in the perspective plan viz. setting up of regional office at Shillong, office in A & N Islands and strengthening the Headquarters office at Delhi should be cleared expeditiously and that adequate steps be taken to set up these offices without any further delay. The Interrogation Cell, sanction for which has already been accorded, should also be set up immediately.

As yet another perspective plan is being drawn up by CBI, the Committee would like the Ministry to ensure that not only all the requirement for the strengthening of CBI are included in this plan but adequate financial provisions are also made to facilitate early fulfilment of the objectives of this plan.

Conclusion

3.61 The Committee are informed that CBI began computerisation of cases referred for prosecution/Departmental action, from the year 1988 onwards. The Committee also note that the Bureau also intends providing computers to the three branches of Interpol Wing besides providing computers to all its branches in the next three or four years.

The Committee need not emphasise that a computer network is an effective medium for getting instant information in respect of cases within the entire length and breadth of the country. Such a facility is all the more essential for an investigating agency like CBI which function as a nerve centre of all crime-control agencies in the country.

Recommendation

3.62 The Committee desire that computerisation of the CBI should take place as speedily as possible and within a time bound programme.

Conclusion

3.63 The Committee are aware that to enable the officers and staff of CBI to perform their duties efficiently and effectively provision of adequate and regular training to them is of paramount importance. The Committee, however, find that the CBI has no fullfledged training institute as yet and that in the absence of a proper training institute officers of CBI are being imparted training arrangements which are stated to be inadequate. The Committee also note that progress of construction of the CBI Training Institute at Ghaziabad has been tardy and that no separate funds have been earmarked for this Institute. Paucity of funds has been a major constraint in its timely completion.

Recommendation

3.64 The Committee will like the Ministry of Personnel to take up the issue of sanction of funds for CBI Training Institute with Ministry of Finance on an urgent basis. The Committee also desire that 'INSITU' Training which has been introduced in 7 regional and 10 branch offices of CBI should also be introduced in other regional/branch offices as well.

Conclusion

3.65 The Committee also note that while number of courses as well as participants have been increasing tremendously over the past few years, yet the strength of the training establishments has remained static. The Committee are astonished that there are only three regular faculty members and that the training centre has been functioning by borrowing staff through internal adjustments. The Committee wonder what type of training the officers of CBI can be getting in the absence of a regular faculty.

Recommendation

3.66 The Committee deprecate the casual manner in which training needs of the CBI are being dealt with and recommend that Ministry of Personnel should immediately assess the requirement of additional faculty members and other staff and take urgent steps to position them. The Committee also desire that pending the establishment of a regular CBI Training Institute at Ghaziabad the Ministry of Personnel should take up the issue of providing training to CBI officers of the rank of Deputy Secretaries and above at National Police Academy, Hyderabad with Ministry of Home at an appropriately higher level.

Conclusion

3.67 The Committee are constrained to note that out of 40 place where CBI offices exist the position regarding residential accommodation is highly unsatisfactory and conforms to prescribed norms only at 4 such places. They wish to underline the fact that inadequate housing facilities not only have a direct and adverse impact on the morale of personnel but also one of the major causes behind staff shortage. The Committee find that non-allocation of funds under the plan budget sanctioned for CBI is the major cause of this acute problem.

Recommendation

3.68 The Committee desire the Ministry of Personnel to emphasise upon the Planning Commission the imperative need of allocating sufficient funds for housing at the time of allocation of resources for the next plan. However until separate plan budget is allocated to CBI for Housing, the Committee desire Ministry of Personnel to provide more funds for housing from its internal resources and to give early clearance to the projects which are lying before it for approval. The Committee will also expect CBI to pursue the matter vigorously with CPWD for early preparation of preliminary estimates and timely completion of housing project under construction. CBI should also assess the requirement of residential accommodation of officers at other places where these facilities do not exist at all and take steps to project these to the Government. In this context the Committee do not find any justification in the decision of Directorate of Estates for not providing quarters to CBI officers from the General Pool Accommodation. The Committee would like the Ministry of Personnel to take up this issue with the Directorate of Estates at the highest level and urge them to allot in the meantime more houses for the officers of CBI.

CHAPTER IV
INVESTIGATIVE PERFORMANCE

A. Investigation of cases by CBI

4.1 A Statement indicating the work done by the CBI during the years 1987-89 furnished by the Ministry is reproduced below:

	1987	1988	1989
1. No. of cases pending from previous year.	1154	1111	1150
2. No. of cases taken up during the year.	1295	1224	1148
3. Total No. of cases dealt with during the year.	2449	2335	2298
4. No. of cases disposed of from the year	1338	1185	1056
5. No. of cases prosecuted during the year.	644	446	342
6. No. of cases decided in courts	332	289	274
7. No. of cases ending in conviction	209	169	163
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9. No. of cases reported for RDA* Regular Departmental Action.	678	669	541
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11. No. of cases ended in punishment	456	395	396
12. Percentage of cases ending in punishment.	85.8%	80.6%	83%
13. No. of cases pending investigation at the end of the year.	1111	1150	1242

From the above it is noted that the number of such cases has been increasing from 1987 to 1989.

*Regular Departmental Action.

4.2 Subsequently the Committee were informed by the Ministry as on 31.7.1990, 1864 cases were pending investigation, out of these, 370 cases were pending for over one year, 164 cases for over two years.

During the year 1990 a target of 1137 investigation cases had been fixed for disposal.

According to the Ministry the delay was ascribable to the following reasons:

- (i) Obtaining of relevant department records or pay particulars of employees etc.
- (ii) Collection and scrutiny of voluminous records of different offices.
- (iii) Location and examination of witnesses living in scattered or distant places.
- (iv) Getting technical examination conducted wherever necessary.
- (v) Obtaining opinions of different experts.
- (vi) Obtaining sanction for prosecution.
- (vii) Interlocutory court proceeding during the investigation stage.

4.3 During evidence a representative of the Ministry stated:

“the CBI has an effective strength of 625 investigating officers: These officers cannot investigate more than two or three cases each in a year because each case requires painstaking investigation. That is why, in 1975, there was a Government guideline that CBI should broadly investigate about 1200 cases in a year. That is the target, which includes both anti-corruption cases and special crime cases. We try to stick to that target. Our success ratio is very good. I think it is 67 per cent”.

He further added:—

“By the very nomenclature, we are an investigating organisation, We have a skilled machinery in investigative work. This investigation may relate to anti-corruption cases; it may relate to special crimes, even a sensational murder; or it may relate to terrorist crimes or narcotic crimes. As I mentioned, it is not possible to do justice in all these areas with just 625 people. But broadly speaking, we are an investigating agency and we take up any kind of investigative work. That is where our skill lies.”

4.4 Asked by the Committee to indicate the steps being taken to

minimise the delays in the completion of investigation work the Ministry has given the relevant extract of CBI Manual according to which delays are to be avoided by taking following steps:

(i) Ensuring before the registration of a case that all the documents required are available and would be handed over to CBI.

(ii) Sending timely requisitions for documents and following them up with regular reminders in writing and personal contacts.

(iii) In cases of disproportionate assets, the request for pay particulars, bank account statements, bank vouchers etc. should be sent positively within a week after the searches are completed. These requests should be followed up and the documents taken over without any delay. This should be done in a dieigent and sustained manner even if the IO is busy in the investigation of some other case. The same procedure should be adopted in other cases also in which large documents are to be collected from various authorities.

(iv) With the first progress report, the Branch should send an annexure in the following proforma to ensure that all the requisitions for documents are issued immediately after the registration of the case:

S.No.	Department from which documents are to be collected.	Date on which reminder was sent
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(v) In every subsequent progress report, a para should be added to indicate the position of collection of documents.

(vi) SPs should personally monitor the sending of requisitions and reminders and quick collection of documents. If there is any avoidable delay in this regard, the SP would also be personally held responsible therefor.

(vii) Completing scrutiny of documents expeditiously.

(viii) DIGs should keep track of collection of documents and their scrutiny. In cases of delay, they should personally intervene to facilitate early release of documents.

4.5 In regard to delay in examination of witnesses the Manual provide as follows:

(i) Immediately upon registration of a case. I.O. should make out a preliminary list of witnesses who are identifiable at the outset and take up their examination without delay. Efforts should be made, as far as possible to record the evidence of witnesses at their location. Witnesses and suspects, whose specimen handwriting is to be taken or whose version of seized documents is necessary, should be examined on priority so that the documents are released early for being set to the experts, retaining photo copies of the documents for further investigation.

(ii) Examination of witnesses should be done in a planned manner. before the examination of each witness, the points relevant for his examination should be noted so that no aspect is omitted.

4.6 In regard to obtaining of expert opinion the Manual says:—

(i) The documents to be sent to the expert should be identified at an early stage of the case and all investigation pertaining to such documents should be completed expeditiously. Handwriting experts should strive for returning documents simultaneously with their opinion and delay in this regard should be avoided. Request for evaluation of property to experts should be sent as soon as the property involved is identified.

(ii) Though the number of references made and more important, the total documents involved in each reference have been steadily going up, there has been no proportionate increase of the strength of experts, which is required to dispose of such references within a reasonable time of a couple of months. A proposal in this regard is already pending in the MHA and this requires to be acceded to by the Government at an early date.

4.7 Regarding delay in obtaining sanction for prosecution/complaints, as per CBI manual:—

(i) Time limit should be prescribed in which the appointing authority should issue sanction. A month's time at the maximum, after receiving SP's report or after receiving CVC's opinion, in necessary cases, should be the time limit for issue of sanction. CBI should make the services of its 10 available immediately when the appointing authority wants a discussion or perusal of records. Independent parallel enquiry and verification by the appointing authority should be prohibited. An authority should be appointed in every Ministry/ Department with powers to effectively monitor progress and ensure compliance of the time limit.

(ii) Similar time limit is called for in cases of Imports and Exports (Control) Act, FERA etc. where CBI requests for formal complaints from the Department for launching prosecution.

B. Special Drive

4.8 In the Preliminary material, Ministry has stated that though the detection of cases of bribery and corruption by the CBI is a regular feature round the year, Special Drives were launched from October, 1985 onwards. Special Drives are aimed at detecting cases of dis-proportionate assets and of showing undue favour and causing pecuniary gain/loss etc. Special drives are aimed at corruption prone departments against the officers at higher levels. These special drives numbered 2 in 1985, 9 in 1986, 7 in 1987, 4 in 1988 and 2 in 1989. Special Drives will continue in 1990 also. One such drive was carried out on 26th June, 1990.

4.9 Asked to give the details of convictions for the year 1985-90 made as a result of the Special Drive, Ministry has stated that out of 53 cases of Special Drive registered during 1985, no case has so far been resulted in conviction, whereas out of 175 cases of Special Drive registered during 1986 and 143 cases registered under Special Drive during the year 1987 only and 3 cases respectively have resulted into conviction after court trial.

4.10 No case registered under Special Drive during 1988, 1989 and 1990 has resulted into conviction so far.

Asked to give the reasons due to which the no. of convictions has been almost nil. A representative of CBI stated:—

“Special Drive is carried out and on the basis of that we register cases. The investigation itself may take six to eight months or even a year. Then we charge sheet it. Once the case is charge sheeted we have no control, and the court fixed a date for hearing. Therefore the cases of Special Drive of 1985, 1986 and 1987 that have been charge-sheeted, no one of them has ended in conviction or no result has been obtained so far. The reason is that the Court has probably not taken up those cases for trial at all. One or two figures which are given, are probably very small cases or where the evidence was so conclusive that the court took up the case and the trial was completed. That is an aberration and that it does not happen everytime. Once the case is charge-sheeted it comes to the court. Secretary, Department of Personnel added:—

4.11 I would like to say one thing. This delay—for the purpose of record so far as CBI is concerned—is giving a bad picture. It also has another impact. Many cases go on for ten years. Unless the evidence becomes available in the proper form, it is not accepted in the courts. A person who gets off has an objection that he has been harassed for ten years for no fault of his. We should avoid the delay. If it is beyond a particular period, not only the performance yardstick but also its image gets blurred.”

C. Low Conviction Ratio

4.12 With a view to removing the stigma of corruption from Public Services, a plan of sustained and co-ordinated action in a few selected Departments, Public Sector Undertakings and Union Territories was undertaken. The salient features of the current programme are as follows:

- (i) Collection of information with the assistance of the departments concerned and help and cooperation of private persons and voluntary social and religious organisations.
- (ii) Preparation of lists of gazetted officers of doubtful integrity by the CBI in consultation with the Heads of Departments. Preparation of lists of officers of non-gazetted status of doubtful integrity by the CBI.

- (iii) Frequent checks and scrutiny of the work and performance of listed officers by departments. Unobtrusive watch on their contacts, mode of living etc. of these officers by the CBI.
- (iv) Preparation of agreed lists of points and places where corruption is believed to exist in a substantial measure in the selected departments.
- (v) Closer and more frequent scrutiny and inspections by the Departments and Public Sector Undertakings of the work done at these points and places.
- (vi) Preparation of lists of unscrupulous contractors, suppliers, firms and clearing agents by the Departments concerned.
- (vii) Preparation of lists of undesirable contactmen by the CBI.
- (viii) Scrutiny and checks by the Departments.
- (ix) Adoption of necessary preventive and administrative measures by the Departments to check corruption.
- (x) Setting up of Study Teams and introduction of administrative reforms.
- (xi) Checks and searches by the CBI on receipt of definite information about prevalence of malpractices
- (xii) Enlistment of public help and co-operation in the anti-corruption drive.
- (xiii) Meetings and discussions between the CBI officers and senior officers of the selected departments.
- (xiv) Preparation of reports and reviews to assess the impact of the anti-corruption measures on the integrity in the departments.

4.13 The CBI selected certain Government Departments/Public Sector undertakings for concentrated attention under the programme of vigilance and anti-corruption work, 1988-89.

The results achieved under the programme of vigilance and anticorruption work in respect of selected Department/Public Sector Undertakings during the year 1988 and 1989 are as under:—

Name of the Department		Cases Registered	Trial Decided	RDA decided	Total
1	2	3	4	5	6
1.	BCCL	21	1	4	26
2.	NTPC	7	—	—	7
3.	NTC	13	—	3	16
4.	Eastern Coal Fields Ltd.	12	—	—	12
5.	Delhi Admn.	20	4	8	32

1	2	3	4	5	6
6.	Railways	122	28	11	161
7.	Nationalised Banks	326	57	150	533

4.14 When asked during evidence to explain the reasons for very low percentage of cases of trials and RDA's decided against total cases registered, Secretary Ministry of Personnel stated:—

“The cases registered do not always go to trial/prosecution; some of them will end in Departmental action also. So, both of them have to be read together.

4.15 Asked further as to whether cases registered will not end in Court cases the representative stated that this would not always be so.

4.16 He further added:—

“...once the case is registered by the CBI it takes one to two years to complete the investigation. It is a painstaking investigation. After that, it goes either to court or for departmental action. These days judicial process also takes so much time. It takes a very long time for judicial verdict. That is why, trial decided is very low. Therefore, even after we finish the investigation and charge-sheet the person, it takes time to take a decision.”

D. Special Courts

4.17 CBI cases relating to prevention of corruption are tried by special judges who also deal with other normal cases. The Cabinet Committee set up to review the functioning of CBI in this regard *inter alia* recommended that pendency of cases in courts has increased in the last 20 years. Exclusive courts for trial of cases investigated by CBI need to be set up in these States where the pendency is very high. The Central Government should defray expenditure for the establishment of such courts. If the proposal for new comprehensive Prevention of Corruption Act is accepted, Central Government may itself set up Special Courts for CBI cases in the States where the pendency is very high.

In the proposed comprehensive Prevention of Corruption Act, it has been proposed that Central Government should also have the authority to appoint special judges as may be necessary in such areas to be specified in the notifications to try offences under the prevention of corruption act.

4.18 Asked as to whether Special Courts were really warranted for CBI given the actual number of cases that are actually registered or filed.

The representative of CBI stated:

“Special Courts are warranted where number of cases are very large. Government of India has offered to the State Governments that they will meet the expenses for employing the court but inspite of that many States have not shown readiness to set up these courts. I hope there is a case for pursuing with the State Governments particularly in areas where cases are very large.”

E. Special Counsel

4.19 C.B.I. has a fulfilled Legal Division which takes care of prosecution of cases put up for trial in the Courts of Law. In exceptional & important Cases C.B.I. also engage Special Counsels. Asked during evidence to indicate the method of engaging Special Counsel by CBI. Secretary of the Ministry stated:—

“Under the Business Rules, the engagement of law officers is within the purview of the Law Ministry. All the Ministries have to take their approval for appointment. Functionally also, that is the Ministry supposed to know the relative worth of different counsels. That is how they are looked upon for advice. All Ministries quote references. Even the other day, the Income-Tax people wanted to have their own counsels. The Law Ministry said,

“No it is our function. We cannot give it to you.” They say, in many cases the oposite side engages a very senior counsel and we are put to difficulty in getting a counsel appointed in time. The Law Ministry said: There will be no delay; if you come in the right time, we agree. There is no case of disagreeing. There has not been many cases where they have disagreed. I understand that even in the Law Ministry, the Counsel appointment goes right upto the highest level.”

4.20 Director, C.B.I. further clarified.

“Whenever we need a special counsel we suggest the name of Counsel and go to Department of Personnel, which in turn takes up the matter with the Law Ministry. Generally, the Law Ministry agrees to our recommendation. It lays down certain terms and conditions on which the counsel is to be appointed.”

F. Prosecution against Officers above the rank of JS

4.21 The procedure as it exists today is that CBI with the prior concurrence of the Secretary of the Ministry/Department can initiate conviction proceedings against any officer of the decision making level.

Asked to give the reasons as to why it was obligatory on the part of CBI to take permission for launching convictions against such officers Ministry in its note stated that while the CBI does have an internal system for verification of facts and high level check before the case is taken up, it is important to remember that the case is investigated by an Inspector of the

CBI. It is noteworthy that the complexity of Government and public sector transactions is such that they are outside the ken of a large majority of officials. It is not easy for an Inspector of the CBI to go into the rationale of purchase and sale decisions taken by decision making level officers in the light of prevailing conditions. Most of the investigating officers would normally not have had much experience in similar situations of responsibility. Thus consultation with the Secretary of the Ministry/Department before initiating action appears necessary. It is necessary to provide the safeguard as the very fact of the CBI inquiry and search of premises is more destructive of reputation than perhaps prosecution in itself, in the minds of most officers.

4.22 As a general rule, prosecution is launched in cases of bribery, corruption or other criminal misconduct and in cases involving loss to public funds. Before launching prosecution in Court, CBI is required to obtain prior sanction of the competent authority under Section 6 of the P.C. Act. The spirit underlying this stipulation is that there should not be unnecessary harassment of public servants. The sanction of the competent authority is essential under law and cannot be done away with.

Asked during evidence to elaborate further on the need of CBI seeking consent to launch prosecution against an officer of the rank of J.S. and above.

In reply, Secretary of the Ministry stated:—

“That was there in all Acts. The CBI investigation has got nothing to do with the sanction for the prosecution. Even in a registered case, they do preliminary inquiries. Based on that, they have to register a regular case and then start investigation. At that stage, in the case of officer of the Joint Secretary and above, the Government has said that you must take the concurrence of the concerned Ministry, Secretary concerned or the Government concerned and then only do it. This has been gone into by various committees which have submitted their recommendation. Then on the basis of this recommendation, a directive was issued in 1975. If the officers at the investigation level are not to be given this protection, then there will be a witch-hunting.”

4.23 Asked further, whether the present system of seeking a sanction from the concerned Ministry/Department did not lead to the organisation being shackled, the representative of the Ministry stated:—

“The experience has not been too happy. Every time, when we have to register a case, we have to take permission of the Ministry concerned. Many a time, the file comes back after many months. Many times the information leaks out to the officer concerned.”

G. Housing

3.45 The Ministry has stated that inadequate housing facilities in CBI have not only affected the performance of CBI personnel but this has also remained one of the inhibiting factors for the state police personnel to join the organisation.

The Ministry informed the Committee that the residential accommodation is available for CBI staff at following cities:

Ahmedabad

Bangalore

Dehradun

Hyderabad

Lucknow

Jabalpur

Patna

Ranchi

Shillong

Silchar

Srinagar

Visakhapatnam

Jammu

Simla

Nagpur

Bhopal

Jodhpur

Sriganganagar

Barmer

Bhuj

Co-ord. Cell Jaipur

Raourkela

Gauhati

Siliguri

Aizwal

Itanagar

Imphal

Bikaner

Jaisalmer, Anupgarh, Raisinghnagar.

Level of Satisfaction

3.46 The norms for satisfying demand for the residential accommodation is as under:—

Type-I	to	Type-IV	50%
Type-V	and	above	80%

From the data furnished by the Ministry the Committee have observed that the percentage of satisfaction for all categories at Madras, under type I and type-II at Dhanbad and type-II and type-III at Calcutta, is below the above norms. Moreover type IV and type V quarters are not available at Bombay and Calcutta. At Jaipur there are no type-IV quarters. Similarly at Calcutta there are no type-I quarters.

3.47 Asked by the Committee to indicate the extent of inadequacy of residential accommodation, Director CBI during evidence stated:

“We have to rent accommodation at many places. This is a problem because CBI is a non-plan department and we do not get funds under the plan. The Planning Minister used to allocate funds under the plan head to housing but that they have now withdrawn. So, I don't think there is any hope of improvement.....”

3.48 Another representative of CBI added:

“I would request the help of Estimates Committee on this, Sir, CBI has in Delhi about 400 residential quarters the Directorate of Estate has said that it will in future not allocate any flat, any quarter to any of our employee. CBI is entitled to have 1700 quarters. So, till the remaining 1300 quarters are built, we will be deprived of quarters under the Estate Office. We are not asking for higher categories. It is only Type I, II and III quarters. The Estate Office has withdrawn this order by which they have debarred our persons to get quarters.”

3.49 In a subsequent note, regarding the reason behind the decision of Director of Estate for not allotting its houses to CBI officers, Ministry stated that though the deputationists are eligible for accommodation from the General Pool accommodation of the Government quarters controlled by Directorate of Estates (Ministry of Urban Development), inadequacy of such quarters leads to situations where the Directorate of Estates is not able to allot quarters promptly to the personnel.

3.50 An acute housing problem is experienced in Delhi where the requirement of accommodation by the CBI is 1859 quarters. While the CBI has constructed 450 quarters for the personnel, the remaining strength

of 1409 CBI Officials have to necessarily depend on accommodation provided by the Directorate of Estates. However, the Directorate of Estates have taken a decision not to allot any quarters to CBI personnel any more on the plea that the CBI has now its own pool of 450 quarters. This decisions of the Directorate of Estates has created serious problems and requires to be reversed.

3.51 Regarding steps initiated to cope with the problem of lack of residential accommodation Ministry has stated that following steps are being taken.

1. Land measuring 6000 sq.m at Dehradum was purchased. The matter is pending with CPWD for preparation of preliminary estimates.
2. Construction of an office building has been completed in Bangalore. Sanction has been received for construction of 34 staff quarters. However the construction work is held up due to a litigation relating to the land on which the construction is to take place.
3. 1.6 acre land has been purchased at Calcutta for construction of staff quarters. The matter is pending with the Ministry of Personnel for issuing administrative approval of Rs. 2 crores for construction of 68 staff quarters.

Conclusion and Recommendations

3.52 The Committee are informed that anti-corruption work has been given sufficient emphasis in the CBI. However, the same cannot be said about investigation of other offences which has received less than the required attention at all levels due to the organisation being under-staffed. In this context the Committee note that for its manpower requirements CBI depends to a very large extent upon State Police Organisations. In addition Indian Police Service Officers borne on different State cadres are also inducted into the organisation at senior levels. All these personnel come to the organisation on deputation. Apart from these CBI recruits staff and officers at different levels directly from the open market. The Committee are however dismayed to note that despite these arrangements, a premier organisation like CBI is ill-equipped both in terms of manpower as well as other resources like regional offices buildings at various places in the country, adequate housing facilities etc. to discharge its responsibility effectively. The Committee also note that one of the factors responsible for this situation is that the work-load of the CBI has been increasing while the staff strength has not increased in the same proportion resulting in reduced efficiency in collection of information and processing of cases, and delays in investigation etc. The other major factor which has accentuated this situation is that staff up to the level of SPs and below are reluctant to join CBI on deputation as the pay and perquisites offered by the Bureau compare unfavourably with those enjoyed by them in the State Police Service.

3.53 The Committee are deeply perturbed to note that CBI is faced with shortage of manpower at all levels and in all divisions including branch offices. They are further distressed to note that these shortages which are almost chronic in nature have substantially impaired its investigative potential. While the Committee appreciate the need by CBI to draw upon State Police organisations for its requirement of investigative manpower, they cannot over-look the fact that over-reliance of deputationists has been one of the major contributory factors for the manpower crunch which the CBI is facing today.

Recommendation

3.54 The Committee desire that the Government should crystalise its thinking on the staffing policy of CBI particularly the balance between the direct recruits and deputationist without further loss of time, and to so structure the recruitment and promotion policy of CBI as would help it to avoid being utterly dependant on State Police Organisation, in respect of junior level investigative officials. They desire that CBI should built a dependable, specialised and highly motivated investigative force. For this the Committee aver the need for providing attractive service conditions and better career prospects to those young men and women who might choose to join CBI. At the same time, they also desire the Government to provide deputationists such pay and allowances and other facilities which can compare reasonably well with those available in the State Police organisations, so that honest and competent officers of these organisations show greater inclination to serve in the CBI.

Conclusion

3.55 The Committee note that unjustified disparities exist in CBI in regard to the benefits being given to officers on deputation and those recruited directly from the market. The deputationists are not only inducted at one step higher but are also given other perquisites which are not available to departmental officers. While the Committee appreciate the necessity of having deputationist in CBI, they do not find any justification in putting the departmental officers in a disadvantageous position. They feel that in-equitous treatment being meted out to departmental officers is not only bound to cause a lost of heart burning amongst them but will also adversely affect their morale.

Recommendation

3.56 The Committee desire that to mitigate the grievances of departmental officers CBI in consultation with UPSC is now taking some steps like increasing their existing promotion quota from 30% to 50% in the rank of DSP. The Ministry of Personnel/CBI should vigorously pursue the matter and finalise these proposals at the earliest.

In this context, the Committee also desire to point out that their attention has been drawn to certain disparities existing between the emoluments admissible to deputationists and non-deputationists. The Committee would

like the Government to review the position immediately and to bring about a reasonable balance between emoluments of these two categories of staff in the C.B.I. The Committee therefore desire that the Ministry should consider the question of payment of 13 months salary to CBI deputationists/departmental officers as is admissible to State Police Officers.

Conclusion

3.57 The Committee note that Staff Inspection Unit of the Ministry of Finance had carried out work study of CBI and submitted its report in 1987, which was not implemented because the report did not take into account certain factors like speed in investigation, training reserve, leave reserve and non-investigation work involved in the cases. The Committee highly deprecate that Ministry of Personnel and the C.B.I. took 2 years to discuss the report of SIU, at the end of which they informed the Ministry of Finance in 1989 about their decision not to implement the recommendation of SIU. In their opinion this is indicative of the lackadaisical attitude of the Ministry of Personnel/CBI in dealing with the matter of assessment of manpower requirements of CBI which has now been kept pending till SIU submits its updated report after holding a fresh study.

Recommendation

3.58 The Committee will like the Ministry of Personnel, Public Grievances & Pensions to take up the matter in regard to non-implementation of SIU Report on CBI with Ministry of Finance and get the work-study of the reorganised CBI done immediately. The Committee desire that after receipt of the report Ministry should implement its recommendations under a time bound programme.

Conclusion

3.59 The Committee note that a Four Year Perspective Plan was chalked out in 1986, for reorganisation and strengthening of CBI. They are however constrained to note that all the objectives of the plan have not been achieved and that the organisational set up of CBI continues to be weak.

Recommendation

3.60 The Committee, desire that all the proposals contained in the perspective plan viz. setting up of regional office at Shillong, office in A & N Islands and strengthening the Headquarters office at Delhi should be cleared expeditiously and that adequate steps be taken to set up these offices without any further delay. The Interrogation Cell, sanction for which has already been accorded, should also be set up immediately.

As yet another perspective plan is being drawn up by CBI, the Committee would like the Ministry to ensure that not only all the requirement for the strengthening of CBI are included in this plan but adequate financial provisions are also made to facilitate early fulfilment of the objectives of this plan.

Conclusion

3.61 The Committee are informed that CBI began computerisation of cases referred for prosecution/Departmental action, from the year 1988 onwards. The Committee also note that the Bureau also intends providing computers to the three branches of Interpol Wing besides providing computers to all its branches in the next three or four years.

The Committee need not emphasise that a computer network is an effective medium for getting instant information in respect of cases within the entire length and breadth of the country. Such a facility is all the more essential for an investigating agency like CBI which function as a nerve centre of all crime-control agencies in the country.

Recommendation

3.62 The Committee desire that computerisation of the CBI should take place as speedily as possible and within a time bound programme.

Conclusion

3.63 The Committee are aware that to enable the officers and staff of CBI to perform their duties efficiently and effectively provision of adequate and regular training to them is of paramount importance. The Committee, however, find that the CBI has no fullfledged training institute as yet and that in the absence of a proper training institute officers of CBI are being imparted training arrangements which are stated to be inadequate. The Committee also note that progress of construction of the CBI Training Institute at Ghaziabad has been tardy and that no separate funds have been earmarked for this Institute. Paucity of funds has been a major constraint in its timely completion.

Recommendation

3.64 The Committee will like the Ministry of Personnel to take up the issue of sanction of funds for CBI Training Institute with Ministry of Finance on an urgent basis. The Committee also desire that 'INSITU' Training which has been introduced in 7 regional and 10 branch offices of CBI should also be introduced in other regional/branch offices as well.

Conclusion

3.65 The Committee also note that while number of courses as well as participants have been increasing tremendously over the past few years, yet the strength of the training establishments has remained static. The Committee are astonished that there are only three regular faculty members and that the training centre has been functioning by borrowing staff through internal adjustments. The Committee wonder what type of training the officers of CBI can be getting in the absence of a regular faculty.

Recommendation

3.66 The Committee deprecate the casual manner in which training needs of the CBI are being dealt with and recommend that Ministry of Personnel should immediately assess the requirement of additional faculty members and other staff and take urgent steps to position them. The Committee also desire that pending the establishment of a regular CBI Training Institute at Ghaziabad the Ministry of Personnel should take up the issue of providing training to CBI officers of the rank of Deputy Secretaries and above at National Police Academy, Hyderabad with Ministry of Home at an appropriately higher level.

Conclusion

3.67 The Committee are constrained to note that out of 40 place where CBI offices exist the position regarding residential accommodation is highly unsatisfactory and conforms to prescribed norms only at 4 such places. They wish to underline the fact that inadequate housing facilities not only have a direct and adverse impact on the morale of personnel but also one of the major causes behind staff shortage. The Committee find that non-allocation of funds under the plan budget sanctioned for CBI is the major cause of this acute problem.

Recommendation

3.68 The Committee desire the Ministry of Personnel to emphasise upon the Planning Commission the imperative need of allocating sufficient funds for housing at the time of allocation of resources for the next plan. However until separate plan budget is allocated to CBI for Housing, the Committee desire Ministry of Personnel to provide more funds for housing from its internal resources and to give early clearance to the projects which are lying before it for approval. The Committee will also expect CBI to pursue the matter vigorously with CPWD for early preparation of preliminary estimates and timely completion of housing project under construction. CBI should also assess the requirement of residential accommodation of officers at other places where these facilities do not exist at all and take steps to project these to the Government. In this context the Committee do not find any justification in the decision of Directorate of Estates for not providing quarters to CBI officers from the General Pool Accommodation. The Committee would like the Ministry of Personnel to take up this issue with the Directorate of Estates at the highest level and urge them to allot in the meantime more houses for the officers of CBI.

CHAPTER IV
INVESTIGATIVE PERFORMANCE

A. Investigation of cases by CBI

4.1 A Statement indicating the work done by the CBI during the years 1987-89 furnished by the Ministry is reproduced below:

	1987	1988	1989
1. No. of cases pending from previous year.	1154	1111	1150
2. No. of cases taken up during the year.	1295	1224	1148
3. Total No. of cases dealt with during the year.	2449	2335	2298
4. No. of cases disposed of from the year	1338	1185	1056
5. No. of cases prosecuted during the year.	644	446	342
6. No. of cases decided in courts	332	289	274
7. No. of cases ending in conviction	209	169	163
8. Percentage of cases ending in conviction out of cases decided by courts.	67%	64.5%	62.6%
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10. No. of cases decided in RDA	618	524	528
11. No. of cases ended in punishment	456	395	396
12. Percentage of cases ending in punishment.	85.8%	80.6%	83%
13. No. of cases pending investigation at the end of the year.	1111	1150	1242

From the above it is noted that the number of such cases has been increasing from 1987 to 1989.

*Regular Departmental Action.

ANNEXURE III

EXAMPLES OF DELAYS IN CONCURRENCES GIVEN BY MINISTRIES/DEPARTMENTS FOR INITIATION OF INVESTIGATION

Delays ranging from two months to one and a half years are noticed on part of the Ministries and Departments in giving concurrence for registration of cases involving decision-making level officers. Besides being untenable in law, this stipulation has rendered infructuous in a number of cases, the need for secrecy and urgency in these matters. In some cases it was observed that the Ministries etc. have indulged in parallel probes of their own or have sought clarification from the officer himself thus compromising the secrecy of the matter under process.

Some glaring examples or such instances are as follows:—

1. An instance of criminal misconduct and undue favour came to the notice of the CBI in which the Chief Mechanical Engineer of the Bombay Port Trust connived with the Managing Director and Director (Marketing) of M/s Richardson and Crudas Ltd., awarded a work of repairs of a tug of Bombay Port Trust on a single quotation basis and permitted the company to subcontract the work to a third party. A proposal by the CBI was sent to Deptt. of Heavy Industry to register a case against the concerned on 15.06.89. However, the Department got a parallel enquiry conducted through the CVO Bharat Yantra Nigam Ltd. (Holding company of M/s Richardson & Crudas Ltd.). After several personal discussions and clarifications by the concerned officers of the CBI, concurrence was finally given to register a PE on 2.1.91. Time taken by the Department in this process was over one-and-a-half year, (18 months and 20 days). The parallel enquiry by the Department also compromised the secrecy of the information.

2. In two cases of Bombay, a request for concurrence for registration of criminal cases against an Executive Director of Union Bank of India, Bombay, for having advanced irregular loans and credit facilities to certain private parties totally amounting to Rs. 45 lakhs, was sent by CBI to Ministry of Finance on 15.04.88. After four reminders, the concurrence was received from the Ministry only on 5.1.90 after a delay of 8 months and 20 days.

3. In a case of criminal misconduct and undue favour shown to private parties by the ex-Vice-Chairman DDA and Engineer-member, DDA in which contracts were irregularly awarded to a contractor for the construc-

tion of DDA flats at Rohini, a request for registration was made by CBI to the Ministry of Urban Development in May 1989. However, the concurrence was received only in November 1989, after a delay of 5 months and 23 days.

4. In a case of criminal misconduct and undue favour shown by an Executive Director (Works), Rourkela Steel Plant and other officers of the Plant, leading to a loss of Rs. 4.85 crores, a request for registration of a criminal case was sent by the CBI to Ministry of Steel and mines on 12.9.90. The Ministry has not responded to the request although more than four months have passed.

List of cases in which concurrence was sought to Register PEs/RCs in the last 3 year and in which concurrence was either not given or given after a delay of 45 days

Sl. No.	Case No.	Ministry/Deptt.	Time taken in giving concurrence
1	2	3	4
1.	PE. a(A)/87-ACU. VII dated 21.12.1987	Secretary, Ministry of Textiles, New Delhi.	90 days
2.	RC. 65/88-Delhi (ACB) dt. 29.12.1988	Lt. Governor, Delhi	148 days
3.	RC. 66/88-Delhi (ACB) dated 29.12.1988	-do-	148 days
4.	RC. 3/88-Kerala dt. 3.2.1988	Government of Kerala	148 days
5.	RC. 63/88-Calcutta dated 30.11.1988	Secretary, Ministry of Industry, Department of Public Enterprises, New Delhi.	150 days
6.	RC 5/89-DAD dated 17.5.1989	Secretary, Ministry of Petroleum & Natural Gas	Still awaited.
7.	PE. 3/89-Delhi (ACB) dated 26.4.1989	Secretary, Department of Civil Supply, New Delhi.	102 days
8.	RC. 1(A)/89-ACU. VII dated 20.11.1989	Secretary, Ministry of Urban Development	175 days

1	2	3	4
9.	RC. 16(A)/89-Bombay dated 11.2.1989	Joint Secretary (Vig.) Ministry of Finance	262 days
10.	RC. 17(A)/89-Bombay dated 11.2.1989	-do-	171 days
11.	RC. 17(A)/89-Bombay dt. 11.2.1989	-do-	171 days
12.	PE. 1(A)/89-CIU II dated 2.6.1989	Secretary, Ministry of Petroleum & Natural Gas, New Delhi.	76 days
13.	Regular case not yet registered	Secretary, Ministry of Textile, New Delhi.	Still awaited.
14.	Inf./3/89/SU/Bombay	Secretary, Ministry of Industry, Deptt. of Heavy Industry, New Delhi (Sent on 15.6.89).	565 days
15.	RC.1/90-ACU.II	Chief Secretary, Govt. of Haryana, Chandigarh.	48 days
16.	Complaint No. 1/30/89-JBR	Secretary, Ministry of Steel & Mines, New Delhi (Sent on 31.5.90)	Still awaited.
17.	1/31/89-JBR	Secretary, Ministry of Steel & Mines, New Delhi (Sent on 31.5.90)	Still awaited.
18.	Com. 1/12/90-BBS	Secretary, Ministry of Steel & Mines, New Delhi (Sent on 12.9.90)	Still awaited.
19.	Comp. 1/10/90-DAD	Secretary, Ministry of Petroleum & Natural Gas, New Delhi (Sent on 10.9.90)	Still awaited.

ANNEXURE IV

**COMPOSITION OF THE ESTIMATES COMMITTEE
(1990-91)**

CHAIRMAN

Shri Jaswant Singh

MEMBERS

2. **Shri J.P. Agarwal**
3. **Shri Anbarasu Era**
4. **Shri Kamal Chaudhry**
5. **Shri Anantrao Deshmukh**
6. **Prof. Prem Kumar Dhumal**
7. **Shri Balvant Manvar**
8. **Shri Hannan Mollah**
9. **Shri Arvind Netam**
10. **Dr. Debi Prosad Pal**
11. **Shri Rupchand Pal**
12. **Shri Harin Pathak**
13. **Shri Bhausahab Pundlik Phundkar**
14. **Bh. Vijaya Kumara Raju**
15. **Shri Mullappally Ramachandran**
16. **Shri Y. Ramakrishna**
17. **Shri Rameshwar Prasad**
18. **Shri J. Chokka Rao**
19. **Shri Chiranji Lal Sharma**
20. **Shri Yamuna Prasad Shastri**
21. **Shri Dhanraj Singh**
22. **Shri Subedar Prasad Singh**
23. **Shri Sukhendra Singh**
24. **Shri Tej Narain Singh**
25. **Shri Taslimuddin**
26. **Dr. Thambi Durai**

27. Shri Nandu Thapa
28. Shri P.K. Thungon
- *29. Shri K.C. Tyagi
30. Shri Kailash Nath Singh Yadav

*Shri K.C. Tyagi has resigned from the membership of the Committee on Estimates with effect from 30th August, 1990.

APPENDIX
Statement of Recommendations/Observations

Sl. No.	Para No.	Recommendations
1	2	3
1.	1.31	<p>The Committee, strongly urge the Government to lay down a clear cut policy stating the purpose for which C.B.I. is expected to function and to bring forward a legislation defining its charter.</p> <p style="text-align: center;">(Based on conclusion in Paras 1.28—1.30).</p>
2.	1.35	<p>The Committee are of the firm view that unless the CBI is given a statutory status and well defined legal powers to investigate the cases which have ramifications within the States, its effectiveness will decline substantially and steeply. They, therefore, desire that the question of amending the constitution for this purpose be discussed with the States without any further delay and all out efforts should be made to arrive at a consensus in the matter without compromising the effectiveness of CBI as a federal investigative agency.</p> <p style="text-align: center;">(Based on conclusion in Paras 1.31—1.34).</p>
3.	2.51	<p>The Committee recommend that CBI should be under one nodal Ministry. They feel that the matter be re-examined to ensure smooth functioning of CBI.</p> <p style="text-align: center;">(Based on conclusion in Para 2.50).</p>
4.	2.53	<p>The Committee are of the view that above difficulties notwithstanding the question of creating a National Police Agency as distinct from CBI needs to be addressed to promptly and with utmost seriousness. The Committee desire that this question may also be discussed in the proposed conference of Chief Ministers. They also desire that in case it is agreed to have a separate body for investigation of crimes of national and transnational importance, that body may appropriately be under the control of Ministry of Home Affairs.</p> <p style="text-align: center;">(Based on conclusion in Para 2.51).</p>
5.	2.56	<p>The Committee, desire the Government to immediately take the decision on the proposal regarding establishment of investigation cell in Interpol Wing as also providing more staff in the Interpol Wing to cope with the increasing workload. They wish to add that this will</p>

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also reflect India's commitment to a crime-free world. The Central Bureau of Investigation has also apprised the Committee of various deficiencies in the Interpol wing in regard to facilities. The Committee are fully conscious of the need to provide this prestigious segment of CBI with adequate technological support to make it comparable with international standards. They also need not emphasise that for proper dissemination of intelligence and prompt coordination with other investigative agencies, world over, it is essential that Interpol Wing is linked with Interpol Hqrs. at Lyons. The Committee are distressed to find that no linkage has been established so far between the CBI and Interpol Hqrs., Lyons and desire immediate action in this regard. The Committee would also like the Ministry to provide essential facilities like Crypto Ag, Fax machines, etc. as also a separate building for the use of Interpol Wing.

(Based on conclusions in Paras 2.54—2.55)

6. 2.58

The Committee recommend that Government should immediately act on staff augmentation proposals in central Forensic Science Laboratory pending with it for the last 4-5 years especially in regard to Documents and Chemistry Division and urge the Ministry not to lose further time in filling up the other vacancies in the CFSL.

(Based on conclusion in Para 2.57)

7. 2.60

The Committee desire the Government to examine the question of giving statutory basis to the existing administrative arrangement for obtaining the cooperation of State Government. The matter can be considered along with the question of giving a legal status to CBI. However, till any such statutory basis is provided, Central Government should invite the attention of State Governments to their constitutional obligations in this regard.

(Based on conclusion in Para 2.59)

8. 2.63

The Committee desire the Ministry to take urgent and immediate steps for strengthening of Special Units of CBI collecting intelligence relating to corrupt practices in P.S.U.s. so that the efficiency of the Organisation is not impaired merely due to lack of administrative action.

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The Committee are of the definite view that interaction with State Police Organisation would immensely help the CBI and hope that in future the CBI will take effective steps in strengthening the coordination between the State Police Units as well as other intelligence agencies.

(Based on conclusion in Paras 2.61—2.62).

9. 2.65

The Committee are distressed to find that the Border wing which was primarily set up to investigate cases against smugglers, criminals, etc. apprehended by BSF especially along with sensitive areas like Punjab, Rajasthan and Gujarat has not been able to function mainly because of non-cooperation of the State of Punjab which has some of the highly terrorist infested areas. The Committee note with dismay that the State Government have justified this non-cooperation on the plea that such an activity by the CBI will only lead to multiplicity of investigating agencies holding concurrent jurisdiction that is anomalous and likely to result in confusion. The Committee are unable to agree with this assessment. They find it even more disquieting that the CBI did not make any concerted efforts to pursue this matter with the Punjab Government nor did the Government impress upon the State Government the necessity of restoring the permission to investigate such cases. It is only now that the Government has stated that they will be making a fresh effort. The Committee are of the firm view that if the Border Wing has to function effectively the consent of the Government of Border States is of paramount importance in achieving the objective of preventing economic offences like smuggling becoming a bulwork of terrorism.

(Based on conclusion in Para 2.64)

10. 3.54

The Committee desire that the Government should crystalise its thinking on the staffing policy of CBI particularly the balance between the direct recruits and deputationist without further loss of time, and to so structure the recruitment and promotion policy of CBI as would help it to avoid being utterly dependant on State Police Organisation, in respect of junior level investigative officials. They desire that CBI should built a dependable, specialised and highly motivated investigative force. For this the Committee aver the need for providing attractive service conditions and better carrier

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prospects to those young men and women who might choose to join CBI. At the same time, they also desire the Government to provide deputationists such pay and allowances and other facilities which can compare reasonably well with those available in the State Police organisations, so that honest and competent officers of these organisations show greater inclination to serve in The CBI. (Based on conclusion in Paras 3.52-3.53)

11. 3.56

The Committee desire that to mitigate the grievances of departmental officers CBI in consultation with UPSC is now taking some steps like increasing their existing promotion quota from 30% to 50% in the rank of DSP. The Ministry of Personnel/CBI should vigorously pursue the matter and finalise these proposals at the earliest.

In this context, the Committee also desire to point out that their attention has been drawn to certain disparities existing between the emoluments admissible to deputationists and non-deputationists. The Committee would like the Government to review the position immediately and to bring about a reasonable balance between emoluments of these two categories of staff in the C.B.I. The Committee therefore desire that the Ministry should consider the question of payment of 13 months salary to CBI deputationists/departmental officers as is admissible to State Police Officers.

(Based on conclusion in Paras 3.54-3.55)

12. 3.58

The Committee will like the Ministry of Personnel, Public Grievances and Pensions to take up the matter in regard to non-implementation of SIU Report on CBI with Ministry of Finance and get the work-study of the reorganised CBI done immediately. The Committee desire that after receipt of the report Ministry should implement its recommendations under a time bound programme.

(Based on conclusion in Para 3.57)

13. 3.60

The Committee, desire that all the proposals contained in the perspective plan viz. setting up of regional office at Shillong, office in A & N Islands and strengthening the Headquarters office at Delhi should be cleared expeditiously and that adequate steps be taken to set up these offices without any further delay. The Interrogation Cell, sanction for which has already been accorded, should also be set up immediately.

As yet another perspective plan is being drawn up

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		<p>by CBI, the Committee would like the Ministry to ensure that not only all the requirement for the strengthening of CBI are included in this plan but adequate financial provisions are also made to facilitate early fulfillment of the objectives of this plan.</p> <p>(Based on conclusion in Para 3.59)</p>
14.	3.62	<p>The Committee desire that computerisation of the CBI should take place as speedily as possible and within a time bound programme.</p> <p>(Based on conclusion in Para 3.61)</p>
15.	3.64	<p>The Committee will like the Ministry of Personnel to take up the issue of sanction of funds for CBI Training Institute with Ministry of Finance on an urgent basis. The Committee also desire that 'INSITU' Training which has been introduced in 7 regional and 10 branch offices of CBI should also be introduced in other regional/branch offices as well.</p> <p>(Based on conclusion in Para 3.63)</p>
16.	3.66	<p>The Committee deprecate the casual manner in which training needs of the CBI are being dealt with and recommend that Ministry of Personnel should immediately assess the requirement of additional faculty members and other staff and take urgent steps to position them. The Committee also desire that pending the establishment of a regular CBI Training Institute at Ghaziabad the Ministry of Personnel should take up the issue of providing training to CBI officers of the rank of Deputy Secretaries and above at National Police Academy, Hyderabad with Ministry of Home at an appropriately higher level.</p> <p>(Based on conclusion in Para 3.65)</p>
17.	3.68	<p>The Committee desire the Ministry of Personnel to emphasise upon the Planning Commission the imperative need of allocating sufficient funds for housing at the time of allocation of resources for the next plan. However until separate plan budget is allocated to CBI for Housing, the Committee desire Ministry of Personnel to provide more funds for housing from its internal resources and to give early clearance to the projects which are lying before it for approval. The Committee will also expect CBI to pursue the matter vigorously</p>

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with CPWD for early preparation of preliminary estimates and timely completion of housing projects under construction. CBI should also assess the requirement of residential accommodation of officers at other places to where these facilities do not exist at all and take steps to project these to the Government. In this context the Committee do not find any justification in the decision of Directorate of Estates for not providing quarters to CBI officers from the General Pool Accommodation. The Committee would like the Ministry of Personnel to take up this issue with the Directorate of Estates at the highest level and urge them to allot in the meantime more houses for the officers of CBI.

(Based on conclusion in Para 3.67)

18. 4.27

It is obvious to the Committee that either investigative officers are unable to cope with the work schedule assigned to them or that they do not investigate cases as per norms set for them. The Committee desire that the Ministry should take urgent steps to appoint more investigating officers to enable it to achieve the fixed targets so that the organisation on the whole is able to retain its edge.

(Based on conclusion in Para 4.26)

19. 4.29

The Committee would like to be assured that procedure laid down in the CBI manual are strictly followed and that whenever these have outlived their utility or need revision expeditions action will be taken to update the manual.

(Based on conclusion in Para 4.28)

20. 4.31

The Committee are of the view that there are inherent weakness in the over all system of prosecution and that a great deal of leeway is available to the errant officers/ persons under the existing legal system. They urge the Government that for expediting the judicial process the recommendation of the Cabinet Committee regarding setting up of special courts should be taken up with due promptitude.

(Based on conclusion in Para 4.30)

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21.	4.33	<p>The Committee would like the Ministry to take all administrative action and tone up the procedure to avoid any delays in appointing Special Counsels.</p> <p>(Based on conclusion in Para 4.32)</p>
22.	4.35	<p>The Committee find it distressing that consent of the Secretaries takes an unduly long time and that even before such consent is given information leaks to the concerned officers. They feel that this state of affairs is far from being conducive for combating corruption, particularly in the higher echelons of administration. They also find as unconvincing the reasons put forward by the Ministry for this procedure. The Committee expect the senior Government Officials to set a high moral standard and to welcome any scrutiny of their conduct. The Committee strongly urge upon the Government to do away with the present system of obtaining permission from the Government to investigate charge against the Senior officials above the rank of Joint Secretary or the best interest of carrying out meaningful investigation. But such investigations raids etc. should be conducted by an officer not lower than the rank of S.P.</p> <p>(Based on conclusion in Para 4.34)</p>

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

Sl. No.	Name of Agent	Sl. No.	Name of Agent
ANDHRA PRADESH		UTTAR PRADESH	
1.	M/s. Vijay Book Agency, 11-1-477, Mvlarzadda, Secunderabad-500 306.	12.	Law Publishers, Sardar Patel Marg, P.B. No. 27, Allahabad, U.P.
BIHAR		WEST BENGAL	
2.	M/s. Crown Book Depot, Uppar Bazar, Ranchi (Bihar).	13.	M/s. Madimala. Buys & Sells, 123, Bow Bazar Street, Calcutta-1.
GUJARAT		DELHI	
3.	The New Order Book Company, Ellis Bridge, Ahmedabad-380 006. (T.No. 79065)	14.	M/s. Jain Book Agency, C-9, Connaught Place, New Delhi, (T.No. 351663 & 350606).
MADHYA PRADESH		15.	M/s. J.M. Jain & Brothers, P. Bx 1020, Mori Gate, Delhi-110006. (T. No. 2915064 & 230936).
4.	Modern Book House, Shiv Vilas Place, Indore City. (T.No. 35289)	16.	M/s. Oxford Book & Stationery Co., Scindia House, Connaught Place, New Delhi-110001. (T.No. 3315308 & 45896).
MAHARASHTRA		17.	M/s. Bookwell, 2/72, Sant Nirankari Colony, Kingsway Canip, Delhi-110 009. (T.No. 7112309).
5.	M/s. Sunderdas Gian Chahd, 601, Girgaum Road, Near Princes Street, Bombay-400 002.	18.	M/s. Rajendra Book Agency, IV-DR59, Lajpat Nagar, Old Double Storey, New Delhi-110 024. (T.No. 6412362 & 6412131).
6.	The International Book Service, Deccan Gymkhanā, Poona-4.	19.	M/s. Ashok Book Agency, BH-82, Poorvi Shalimar Bagh, Delhi-110 033.
7.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-400 001.	20.	M/s. Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi.
8.	M/s. Usha Book Depot, 'Law Book Seller and Publishers' Agents Govt. Publications, 585, Chira Bazar, Khan House, Bombay-400 002.	21.	M/s. Central News Agency Pvt. Ltd., 23/90, Connaught Circus, New Delhi-110 001. (T. No. 344448, 322705, 344478 & 344508).
9.	M & J Services, Publishers, Rep- resentative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor, 68, Jyotiba Fuele Road Nalgaum, Dadar, Bombay-400 014	22.	M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
10.	Subscribers Subscription Service India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay-400 001.	23.	M/s. Books India Corporation Publishers, Importers & Exporters, L-27, Shāstri Nagar, Delhi-110 052. (T.No. 269631 & 714465)
TAMIL NADU		24.	M/s. Sangam Book Depot 4378/4B, Murari Lal Street Ansari Road, Darya Ganj, New Delhi-110 002.
11.	M/s. M.M. Subscription Agencies, 14th Murali Street, (1st Floor), Mahalingapuram, Nungambakkam, Madras-600 034. (T.No. 476558)		