

**37**

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

**ESTIMATES COMMITTEE  
1993-94**

**TENTH LOK SABHA**



**LOK SABHA SECRETARIAT  
NEW DELHI**

# THIRTY-SEVENTH REPORT ESTIMATES COMMITTEE (1993-94)

(TENTH LOK SABHA)

MINISTRY OF PERSONNEL, PUBLIC  
GRIEVANCES AND PENSION  
(DEPARTMENT OF PERSONNEL &  
TRAINING)

CENTRAL BUREAU OF INVESTIGATION

*(Action Taken by Government on the recommendations contained in the  
Thirteenth-Report of Estimates Committee)*



*Presented to Lok Sabha on 28 April, 1994*

LOK SABHA SECRETARIAT  
NEW DELHI

28th April 1994 / 8, Vaisakha, 1916 (S)

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Corrigenda to 37th Report of Estimates Committee  
(10th Lok Sabha) on Central Bureau of Investigation.

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Page No.	Para No.	Line	For	Read
(iii)	-	7	Shri Parshuram Gangwar	Dr. Parshuram Gangwar
(iii)	-	17	Shri B. Akbar Pasha	Shri B. Akbar Pasha
4	L. 11	6	remifications	ramifications
6	-	1	effects	efforts
6	L. 16	15	propor	proper
6	L. 16	22	Separate	separate
7	L. 19	3	Intgerpol	Interpol
8	-	4	Counsel	Council
8	L. 22	18	pursuaded	persuaded
10	L. 28	6	personnel	personnel
12	L. 35	15	fulfillment	fulfilment
13	L. 39	Last line	persuance	pursuance
16	-	6	speedly	speedily
22	-	23	faxamachine	faxmachine
22	-	29	st	staff
23	-	31	Have	have
24	-	6	Counsel	Council
24	-	19	infesed	infested
25	-	24	recommnded	recommended
27	-	14	recruitability	recruitment
33	-	11	effects	efforts

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# CONTENTS

## PAGE

COMPOSITION OF THE ESTIMATES COMMITTEE (1993-94) . . . . .	(iii)
INTRODUCTION . . . . .	(v)
CHAPTER I      Report . . . . .	1
CHAPTER II      Recommendations / Observations which have been accepted by Government . . . . .	16
CHAPTER III      Recommendations / Observations which the Committee do not desire to pursue in view of Government replies . . . . .	17
CHAPTER IV      Recommendations / Observations in respect of which replies of Government have not been accepted by the Committee . . . . .	19
CHAPTER V      Recommendations / Observations in respect of which final replies of Government are awaited . . . . .	22
APPENDICES	
APPENDIX I      Minutes of the sitting of the Estimates Committee held on 28th March, 1994 . . . . .	30
APPENDIX II      Analysis of Action Taken by Government on the recommendations contained in the 13th Report of Estimates Committee (10th Lok Sabha) . . . . .	34

**COMPOSITION OF THE ESTIMATES COMMITTEE  
(1993-94)**

**Dr. Krupasindhu Bhoi — *Chairman***

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3. Shri Chhitubhai Gamit
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29. Shri Devendra Prasad Yadav
30. Shri K.P. Reddaiah Yadav

**SECRETARIAT**

- |                                  |                               |
|----------------------------------|-------------------------------|
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| 3. Smt. P.K. Sandhu              | — <i>Deputy Secretary</i>     |
| 4. Shri R.C. Gupta               | — <i>Under Secretary</i>      |
| 5. Smt. Abha Singh<br>Yaduvanshi | — <i>Committee Officer</i>    |

## INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Thirty-Seventh Report on action taken by Government on the recommendations contained in the Thirteenth Report of the Estimates Committee (10th Lok Sabha) on the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)—Central Bureau of Investigation.

2. The Thirteenth Report was presented to Lok Sabha on 6th April, 1992. Government furnished their replies indicating action taken on the recommendations contained in that Report on 29th July, 1993. The Draft Report was considered and adopted by the Committee on 28th March, 1994.

3. The Report has been divided into the following chapters:—

I. Report

II. Recommendations/Observations which have been accepted by Government.

III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply.

IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.

V. Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in the Thirteenth Report of Estimates Committee (10th Lok Sabha) is given in Appendix-I. It would be observed therefrom that out of 22 conclusions/observations/recommendations made in the Report, 3 recommendations i.e. 13.64% have been accepted by the Government and the Committee do not desire to pursue 3 recommendations i.e. 13.64% in view of Government's replies. Replies have not been accepted in respect of 4 recommendations i.e. 18.18% and interim replies in respect of 12 recommendations i.e. 54.54% have been furnished by the Government.

NEW DELHI;  
April 4, 1994

*Chairman 14, 1916 (S)*

DR. KRUPASINDHU BHOI,  
CHAIRMAN,

*ESTIMATES COMMITTEE.*

## **CHAPTER I**

### **REPORT**

1.1 This Report of Estimates Committee deals with the action taken by the Government on the recommendations and observations contained in their 13th Report (10th Lok Sabha) on Central Bureau of Investigation which was presented to Lok Sabha on 6th April, 1992.

1.2 The Report contained 22 recommendations and observations and the Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training) were requested on 6th April, 1992 to furnish action taken notes on all these recommendations and observations latest by 6th October, 1992. However, no action taken reply was submitted to the Committee by that date and after a lapse of about one week from the stipulated date, the Ministry wrote on 14th October, 1992 asking for extension of time by three months on the plea that the "work involved is of voluminous nature and also the comments of Ministry of Home Affairs are yet to be received". The Department of Personnel and Training were, in the first instance, asked to intimate the reasons for not seeking extension of time for submission of replies before 6th October, 1992 and whether the matter was being co-ordinated with the Ministry of Home Affairs at a high level. The Department of Personnel and Training regretted the delay which took place in approaching the Committee for seeking extension of time within the stipulated date. They had also informed that the Ministry of Home Affairs was reminded at a very high level including the D.O. reminder to the Home Secretary. The Department of Personnel and Training were thereafter, granted extension upto 31.12.92 for submitting all the action taken notes alongwith comments received by them from Ministry of Home Affairs.

1.3 On 1st January, 1993 the Department of Personnel and Training requested for extension of time for another three months. However, the extension upto 31st January, 1993 was granted as a very special case with the stipulation that no further extension would be granted. A copy of this letter was also forwarded to the Special Secretary, Ministry of Home Affairs, New Delhi, requesting him to expedite the comments of the Ministry on the above Report. The Department of Personnel and Training submitted action taken notes on 1st February, 1993 in respect of recommendations/observations pertained to them and requested the Ministry of Home Affairs to submit action taken notes on the recommendations of the Committee with which they were concerned direct to the Lok Sabha Secretariat. On being asked by this Secretariat about the reasons as to why action taken replies were not furnished by the Home



Ministry to the Department of Personnel and Training, the Joint Secretary, Ministry of Home Affairs replied on 26th February, 1993 that their comments "would be furnished to the Ministry of Personnel, Public Grievances and Pensions shortly". When replies from the Ministry of Home Affairs were not received upto 18th March, 1993, a D.O. letter at the level of Joint Secretary was sent for expediting the submission of replies and it was made clear that any further delay in the matter would have to be explained to the Chairman, Estimates Committee, personally by the Home Secretary. Thereafter, the Ministry of Home Affairs sent their replies on 23rd March, 1993 to Department of Personnel and Training under intimation to this Secretariat. Immediately on 24th March, 1993 the Department of Personnel and Training were requested to compile all the action taken notes and send the same to this Secretariat.

1.4 On 8th April, 1993, the Department of Personnel and Training informed that the replies furnished by the Home Ministry were being examined and action taken notes would be "furnished to the Lok Sabha shortly". On 22nd April, 1993 that Department asked the Ministry of Home Affairs to furnish action taken notes on recommendation contained in Paragraph 2.65 of the Report and also to intimate whether the information sought *vide* that Department U.O. letter dated 19th April, 1993 has got the approval of the Minister-in-charge. On being enquired on 12th May, 1993, the Department of Personnel and Training had, on 26th May, 1993, stated that the action taken notes sent by the Ministry of Home Affairs were under their consideration and sought extension of time upto 30th June, 1993 on the plea that some of the recommendations involved policy division. The Department was, accordingly, granted extension of time upto 30th June, 1993. Again on 24th June, 1993, the Department asked extension of time upto 30th September, 1993 on the same plea on which earlier extension was sought.

1.5 The replies were, however, received on 16th July, 1993/29th July, 1993. While going through the consolidated action taken notes sent by the Department of Personnel and Training even after such a long time, it is found that most of the replies given by them are interim in nature. Even the replies sent on 28.12.1993 were interim.

1.6 The Committee strongly deprecate the unwarranted delay that has occurred in the present case. They would like to record their unhappiness over this lapse on the part of Government in initiating and reporting action taken on their recommendations and observations. Unless the Committee are informed of the final action taken by Government on their recommendations and observations in time, they would be handicapped in effectively discharging the responsibilities cast on them by Parliament, and the exercise of Parliamentary control over Executive actions would, to that extent, be abridged. The Committee desire that effective steps should be taken to ensure that the final action taken notes on their recommendations

are invariable furnished to them within the stipulated time limit of six months. The Committee desire that Cabinet Secretary should issue guidelines to all the Secretaries, impressing upon them the need to adhere to the time schedule scrupulously.

1.7 Action taken notes on the recommendations and observations of the Committee have been categorised as follows:—

- (i) Recommendations and observations which have been accepted by the Government  
Sl Nos. 14, 15 and 19
- (ii) Recommendations and observations which the Committee do not desire to pursue in view of Government's replies  
Sl. Nos. 3, 8 and 22
- (iii) Recommendations and observations to which Government's replies have not been accepted by the Committee and which require reiteration  
Sl. Nos. 1, 2, 4 and 17
- (iv) Recommendations and observations in respect of which final replies of the Government are still awaited  
Sl. Nos. 5, 6, 7, 9, 10, 11, 12, 13, 16, 18, 20 and 21

1.8 The Committee will now deal with action taken by Government on some of the recommendations.

#### *Statutory status for CBI*

*(Paragraphs 1.31 & 1.35—Sl. Nos. 1 & 2)*

1.9 Recommending to amend the Constitution for giving CBI a statutory status and well defined legal powers to investigate the cases which have ramifications within the States, the Committee had in Paragraphs 1.31 and 1.35 of their Report, recommended:

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

“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.”

1.10 In this reply, the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) have, in consultation with the Ministry of Home Affairs, stated as under:

"The question of enacting appropriate comprehensive legislation according statutory status and defining the legal power of investigation of CBI has a bearing on Inter-State relations."

"As the Committee are aware, public order and police, under the existing scheme of division of powers between the Centre and States under the Constitution of India, are State Subjects (entry Nos. 1 & 2 of the List-II, State List of the 7th Schedule of the Constitution of India). Under the present scheme of things, therefore, the investigation of cases by CBI or by any other national Agency can proceed only with the specific consent of the State Government concerned. In view of this legal/constitutional position no further action at present can be taken in this regard."

1.11 Knowing fully well that public order and police, under the existing scheme of division of powers between the Centre and the State are State Subjects under the Constitution of India the Committee had desired that the question of amending the Constitution for giving Central Bureau of Investigation (CBI) a statutory status and well defined legal powers to investigate the cases which had ramifications within the States, be discussed with the States 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. The Committee made this recommendation because the draft CBI bill alongwith the draft Constitutional Amendment Bill drafted on the recommendations contained in the 78th Report (4th Lok Sabha) of Estimates Committee and that of the Committee set up by Government under Chairmanship of Cabinet Secretary, to accord a statutory status to the CBI, had been pending with the Ministry of Home Affairs since June, 1990. The Committee regret to note that even after a lapse of one year, since the recommendation was made instead of taking up the matter with the States, the Government have simply informed the Committee about the existing Constitutional provisions. The Committee reiterate their earlier recommendation that the question of amending the Constitution for the above purpose be discussed with the States without any further delay.

*Separate body for investigation of crime of national and transnational importance*

(Paragraph 2.53—Sl. No.4)

1.12 stressing the need for having a separate body for investigation of crimes of national and transnational importance, the Committee had, in Paragraph 2.53 of their report, recommended:

"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."

1.13 In their action taken note dated 16/29.7.93 of Ministry of Personnel, Public Grievances and Pensions have, in consultation with the Ministry of Home Affairs, stated as under:

"The suggestions of the Committee have been considered very carefully and it has been found, there would be no distinct advantage in creating a National Police Agency (NPA) as this would also be subject to the same problems and difficulties presently being experienced by the CBI."

1.14 During the course of the evidence, the Committee was informed by the Ministry of Personnel, Public Grievances and Pensions that while sufficient emphasis was given by CBI to the anti-corruption work, a need had been felt for long by the Central Government to have a Police Investigation Agency of its own to investigate offences of national and transnational nature and those affecting the unity and integrity of the country. They were in fact given to understand that increasing involvement of CBI officers in investigation of sensational crimes of various types was being made at the expense of anti-corruption work, which otherwise remained the primary responsibility of the CBI. The Ministry were candid in their admission that CBI was not fully equipped to discharge the growing responsibilities in terms of man power and other resources and the setting up of a body which had the authority and character of a National Policy Agency needed further examination.

1.15 It was in this context that the Committee had recommended that a proposal for creating such an Agency as distinct from CBI be examined promptly and with utmost seriousness. They had also desired that this question should also be discussed with the Chief Ministers in the ensuing Conference. The Committee have, however, noted that the Ministry have now in their Action Taken Replies simply stated that no distinct advantage would be there in creating a National Police Agency as this would also be subject to the same problems and difficulties which are being faced by the CBI. The Committee have not been informed as to whether the matter of setting up a National Police Agency has even been discussed in the Chief Ministers' Conference or not and if so, the decision which was arrived at. The Committee, therefore, desire that in case the matter has not been discussed with the Chief Ministers, the same be discussed in right earnest without having undermined the spirit behind the recommendation of the Committee. The Committee would also

desire to be apprised of the outcome of the effects made in this regard within a period of three months.

*Establishment of linkage between the CBI and Interpol Headquarters at Lyons*

(Paragraphs 2.56 & 2.58—Sl. Nos. 5&6)

1.16 Emphasising the need for having a linkage between the CBI and Interpol Headquarters at Lyons and also to augment staff in Central Forensic Science Laboratory, the Committee had, in Paragraphs 2.56 and 2.58 of their Report, stated:—

“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. and also a Separate building for the use of Interpol Wing.”

“The Committee recommend that Government should immediately act on **staff augmentation** proposals in Central Forensic Science Laboratory (CFSL) 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.”

1.17 In their reply dated 16/29.7.93, the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) have stated as under:—

“A complete computer system Fax machine etc. have provided to the Interpol Wing. Further, provision of additional facilities will be considered on receipt of proposal from CBI.”

1.17(A) The Department further stated:—

“The suggestions of the Committee in regard to strengthening/ providing certain infrastructural facilities both to Interpol Division as

well as to Central Forensic Science Laboratory have been examined by this Department in consultation with Ministry of Home Affairs very carefully. As regard providing infrastructure facilities to Interpol, this Department has not received any proposal from the CBI. Regarding staff augmentation proposals, which were incomplete however, the CBI (Interpol Division) as also the CFSL have been advised to approach the Ministry of Finance to undertake SIU study to ascertain the actual workload and additional requirement of manpower. Further action, in the matter would, therefore, be taken after the same has been done and its findings analysed in the overall context of Government policy regarding creation of new posts etc. keeping in view economy measures."

1.18 The Committee note with concern that the Ministry of Personnel, Public Grievances & Pension did not send any proposal to the Ministry of Home Affairs for providing infrastructural facilities to their interpol wing. The Ministry have further stated that proposals regarding staff augmentation submitted by the CBI were incomplete and they have, therefore, suggested that staff augmentation proposals in Central Forensic Science Laboratory should be taken up with the Ministry of Finance so that Staff Inspection Unit (SIU) study could be undertaken in order to ascertain the actual workload and additional requirements of manpower. The Committee would like to know the latest position in this regard.

1.19 The Ministry of Personnel, Public Grievances & Pensions did not reply to the Committee's specific recommendation for establishing linkage between the CBI and the Interpol Headquarters, Lyons. The Committee take a very serious view of the casual manner in which their recommendation has been treated by the Government and desire that immediate action in this regard be taken.

*Inviting attention of State Govts. to their constitutional obligations*  
(Para No. 2.60, Sl. No. 7)

1.20 Asking the Central Govt. to invite the attention of State Governments to their Constitutional obligations, the Committee had, in paragraph 2.60 of their Report, recommended:—

"The Committee desire the Government to examine the question of giving statutory basis to the existing administrative arrangement for obtaining the co-operation of State Governments. The matter can be considered alongwith 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."

1.21 In their Action Taken Notes dated 16.7.93 and 29.7.93, the Deptt. of Personnel and Training have stated as under:—

"The Bureau presently functions on the strength of notification issued by the Central Government under the Delhi Special Police

Establishment Act, 1946 after specifically obtaining consent of the State Govt. concerned. The matter relating to obtaining co-operations/securing their consent was also taken up with the State Governments in the last Inter-State Counsel Meeting, though their response was not very favourable. However, the matter is still being pursued with the concerned State Govts. Individually."

"On the need for cooperation of State Govts. in the investigation by CBI in anti-corruption cases, 15 States Govts. have already given their general consent under Section 6 of the Delhi Special Police Establishment Act 1946, 3 State Govts. namely Sikkim, Haryana and Jammu & Kashmir have not given their general consent. 6 State Govts. namely, Himachal Pradesh, Uttar Pradesh, Assam, West Bengal, Madhya Pradesh and Andhra Pradesh have given conditional consent."

**1.22 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. However, this arrangement has been working purely on an informal basis and does not have any legal sanctity. Keeping in view the above facts, the Committee had desired the Government to examine the question of giving statutory basis of these administrative arrangements and till any such statutory basis was provided, it was desired that the Central Government should invite the attention of the State Governments to their constitutional obligations. In this connection, the Department of Personnel & Training have stated that the matter relating to obtaining cooperation/ securing their consent was taken up with the State Governments in the last Inter-State Council meeting. They have further stated that on the need for cooperation of State Governments in the investigation by CBI in anti-corruption cases, 15 States have given their general consent and another 6 States have given their conditional consent. No consent was, however, received from 3 State Governments namely Sikkim, Haryana and Jammu & Kashmir. The Committee desire that these 3 States should also be persuaded to agree and they would like to know the outcome of the efforts made in this regard.**

***Effective Functioning of Border Wing of the CBI***

(Para No. 2.65, Sl. No. 9)

**1.23 The Committee had, in Paragraph 2.65 of their Report, recommended:**

"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 alongwith 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."

1.24 In their reply the Department of Personnel and Training, in consultation with the Ministry of Home Affairs, have stated:—

"Efforts have been made to persuade the Punjab Government about the necessity of restoring the permission to investigate cases relating to Border Wing. However, so far as the consent has not been received."

1.25 The Committee have been informed that the consent of the Government of Punjab to permit CBI to investigate cases by its Border Wing has not yet been received. 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 etc. and also to check terrorism. They would, therefore, also like to know the number of Border States which have so far given permission to CBI to investigate such cases. The latest position in respect of Government of Punjab may also be intimated to them without any further delay.

#### *Staffing Policy of CBI*

*(Para No. 3.54, Sl. No. 10)*

1.26 Asking the Government to crystalise its thinking on the staffing Policy of CBI, particularly the balance between direct recruits and deputationists, without further loss of time, the Committee had, in paragraph 3.54 of their Report recommended:—

"The Committee desire that the Government should crystalise its thinking on the staffing policy of CBI particularly the balance between the direct recruitments and deputationists 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 Organisations 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 ever 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."

1.27 The Department of Personnel and Training have in their Action Taken Note dated 16th July, 1993 replied as under:—

"The CBI has undertaken a review of the percentage of direct recruits, deputationists and promotces for different posts in CBI in order to improve the functioning and efficiency of the organisation, and at the same time provide adequate promotion prospects for the directly recruited staff and officers. Consequent on the recommendations of the fourth Central Pay Commission, the pay scales of Constables to Inspectors have been improved and they are given higher scales than those recommended by the Fourth Pay Commission. As regards deputationists, a scheme for rationalising the terms of deputation is under consideration of the Government."

1.28 In order to crystalise its thinking on the Staffing Policy of CBI, the Committee had desired the Government to provide to the deputationists such pay, allowances and other facilities which compare reasonably well with those available in the State Police Organisations (SPO), so that honest and competent officers of these Organisations show greater inclination to serve in the CBI. In this regard, the Department of Personnel & Training have informed the Committee that a scheme for rationalising the terms of deputation of these Officers is under consideration of the Government. The Committee desire that a decision in the matter should be taken expeditiously under intimation to them.

*Increasing Promotional Quota in respect of Departmental Officers*

*(Para 3.56, Sl. No. 11)*

1.29 Stressing the need to mitigate the grievances of Departmental Officers by taking steps like increasing their existing promotional quota, the Committee had, in paragraph 3.56 of their Report, recommended:—

"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 CBI. 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."

1.30 In their Action Taken Notes dated 16th July, 1993, the Department of Personnel and Training have stated:—

"In the case of DSP, UPSC has agreed to raise promotion quota from existing 30% to 33⅓%. Departmental Inspectors having requisite qualification and service have also been allowed to compete in the Direct Recruitment Quota of 33⅓% through interview. The matter is under process and would be finalised shortly.

A proposal for payment of 13 months salary to deputationists/departmental officers in CBI is under consideration."

1.30(A) The Department of Personnel & Training have in their Action Taken Reply, informed the Committee that for filling up the Post of DSPs, UPSC has agreed to raise the promotion quota from the existing 30% to 33 ⅓% and that the departmental Inspectors having requisite qualification and service have also been allowed to compete in the direct recruitment quota of 33⅓% through interview. The Committee would like to know whether the above matter which was under process has since been finalised.

131. They would also desire to know whether the proposal for payment of 13 months salary to deputationists/departmental officers in CBI has been finalised and implemented. -

*Non-Implementation of SIU Report on CBI*

*(Para No. 3.58, Sl. No. 12)*

1.32 In para 3.58 of their Report, the Committee had desired:—

"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."

1.33 The Department of Personnel and Training have, in their Action Taken Note dated 16th July, 1993, stated:—

"The earlier SIU recommendations were not acceptable to the CBI and as such these were not implemented. The SIU has agreed to undertake a fresh study of the CBI and included it under the calender of programme for the year 1992-93."

**1.34 The Committee would like to know whether SIU has completed its work study on CBI and, if so, whether the recommendations given by it have been implemented in letter and spirit.**

*Perspective Plan of CBI*

*(Para No. 3.60, Sl. No. 13)*

**1.35 Recommending to implement all the proposals contained in the perspective plan of CBI, the Committee had, in para 3.60 of their Report, stated:**

“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 Head-Quarters 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 fulfillment of the objectives of this plan.”

**1.36 In this regard, the Department of Personnel and Training have, in their reply dated 16th July, 1993, stated:**

“In terms of the perspective plan, Regional Office at Shillong has since been set up and is functioning since August, 1992. The remaining items will be taken care of under reorganisation plan of the CBI which is under consideration.”

**1.37 The Committee desire to know whether all the remaining proposals contained in the perspective plan have been cleared and implemented and, if not, the reasons therefor may be intimated to them.**

*Allocating Sufficient Funds for Housing*

*(Para No. 3.68, Sl. No. 17)*

**1.38 Recommending to allocate sufficient funds for housing, the Committee had, in para 3.68 of their Report desired:**

“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 projects 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 Estimates 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."

1.39 In their reply dated 16th July. 1993, the Department of Personnel and Training have stated:

"A number of proposals received from CBI for provision of land and for construction of residential quarters at different branches have been referred to Ministry of Urban Development with recommendations to include the same in their relevant budget proposals. These are being sanctioned and implemented in phases depending on the availability of resources and other relevant factors."

Percentage of satisfaction in respect of the above branches is as under:

Sl. Name of the No. Branch	Percentage of satisfaction				
	Type-I	Type-II	Type-III	Type-IV	Type-V
1. Delhi	71%	35%	61%	48%	45%
2. Bombay	100%	22%	23%	—	—
3. Calcutta	—	27%	—	—	—
4. Madras	12%	42%	18%	12%	4%
5. Bhubaneshwar	100%	63%	76%	100%	100%
6. Chandigarh	50%	50%	50%	80%	80%
7. Cochin	50%	50%	50%	80%	80%
8. Jaipur	50%	50%	50%	—	100%

Residential quarters constructed by CBI are not available at other places. However, Estate Office is allotting quarters, if available to CBI. All CBI Officers/staff are entitled for the General Pool Accommodation except in Delhi for Type-I to Type-III.

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

Type-I to Type-IV 50%

Type-V and above 80%

As regards general pool accommodation at Delhi for Type-I to Type-III the issue has again been taken up with Directorate of Estates in pursuance of this recommendation."

1.40 The Committee have been informed that a number of proposals received from CBI for provision of land and construction of residential quarters at different branches of CBI "have been referred to Ministry of Urban Development with recommendations to include the same in their relevant Budget proposals. These are being sanctioned and implemented in phases depending on the availability of resources and other relevant factors". The Committee would like to know the allocated amount released so far on this account.

1.41 They would also like to know the outcome of the issue taken up with the Directorate of Estates for allotment of more houses for the staff and officers of the CBI.

*Appointing Special Counsels*

*(Para No. 4.33, Sl. No. 21)*

1.42 The Committee had, in Para 4.33 of their Report, desired the Ministry of Personnel, Public Grievances and Pensions to take all administrative action and tune up the procedure to avoid any delays in appointing Special Counsels.

1.43 In their Action Taken Note dated 16th July, 1993, the Ministry have stated:

"The power to appoint Counsels for Government Departments in various courts vests with Ministry of Law and Justice to whom the proposals of the CBI for appointment of Counsels are referred. The CBI has proposed that this power should be delegated to the Director/CBI to avoid delay. Ministry of Law has not been agreed with this, as such delegation has not been made in any other case. Instead they have proposed that list of Counsels for various courts may be drawn by the CBI and furnished to them, so that they may make selection for inclusion in their panels. CBI is presently working on the suggestion of Ministry of Law. It is hoped that this will avoid unnecessary delay in appointment of Counsels."

1.44 The Ministry of Personnel, Public Grievances and Pensions have in their Action Taken Note replied that the Ministry of Law have not agreed to the proposal of the CBI for delegation of powers for appointment of Counsels. The Ministry of Law have proposed that a list of Counsels for various Courts may be drawn up by the CBI and furnished to them so that they may make selection for inclusion of such Counsels in their panels. The Committee desire that the panel of Counsels should be drawn up expeditiously.

**Implementation of Recommendations**

1.45 The Committee would like to emphasise that the greatest importance has to be attached to the implementation of recommendations accepted by Government. They, therefore, expect that Government should take steps in this regard. In cases where it is not possible to implement

**the recommendations in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.**

**1.46 The Committee desire that replies in respect of the recommendations contained in Chapter V of the Report may be finalised and final replies of the Government furnished to Committee expeditiously.**

## **CHAPTER II**

### **RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT**

#### **Recommendation (Sl. No. 14, Para 3.62)**

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

#### **Reply of Government**

Perspective plan for computerisation in CBI has been finalised. Computer has already been installed at Headquarters. Computers have been provided in some branches and are being provided in the remaining branches in a phased manner. The plan also envisages linking of branch terminals with Headquarters terminal.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93]

#### **Recommendation (Sl. No. 15, Para 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.

#### **Reply of Government**

A sum of Rs. 6.43 crores has since been sanctioned in the first phase for the setting up of the CBI Training Centre. *In situ* Training in all the Regional/Branch offices is being introduced.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93].

#### **Recommendation (Sl. No. 19, Para 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 expeditious action will be taken to update the manual.

#### **Reply of Government**

The provisions of the Manual are being strictly enforced. The Manual has also been revised in December, 1992.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93]

### **CHAPTER III**

#### **RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES**

##### **Recommendation (Sl. No. 3, Para 2.51)**

The Committee recommended that CBI should be under one nodal Ministry. They feel that the matter be reexamined to ensure smooth functioning of CBI.

##### **Reply of Government**

CBI is presently functioning under the administrative control of the Ministry of Personnel, Public Grievances and Pensions, which is responsible for overall supervision of the work of CBI, all administrative matters and budgetary provision etc. excepting the functional aspects of two small Divisions viz. Interpol and CFSL which are under the control of Ministry of Home Affairs.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93].

The Ministry further stated that:—

The suggestions of the Committee have been considered very carefully and it has been decided to continue status quo as no serious problems have been experienced in the present arrangements being continued.

[DOPT D.O. No. 226/2/92-AVD. II, dated 16.7.93]

##### **Recommendation (Sl. No. 8, Para 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. 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.

##### **Reply of Government**

Action has been initiated on the proposals for reorganisation of CBI including strengthening of Special Units, through augmentation of staff and infrastructural facilities.



As regards interaction with State Police Organisations, CBI has stated that the sensitive and secret nature of their work prevent any formal liaison meetings but informal contacts have been a regular feature.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93]

**Recommendation (Sl. No. 22, Para 4.35)**

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 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 and 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 charges against the Senior Officials above the rank of Joint Secretary for 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.

**Reply of Government**

The present system of obtaining permission from the Government to investigate charges against the Senior Officers above the rank of Joint Secretary in the best interest of carrying out meaningful investigation does not require any change as not many cases have come to notice of Government where such sanction has been abnormally delayed. The cases of leakage of information to concerned officers have also not been brought to the notice of Government.

[DOPT O.M. 226/2/92-ADV. II, dated 1.2.93]

## **CHAPTER IV**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT'S REPLIES HAVE NOT BEEN ACCEPTED BY THE COMMITTEE**

#### **Recommendation (Sl. Nos. 1 & 2, Paras 1.31 & 1.35)**

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

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.

#### **Reply of Government**

The question of enacting appropriate comprehensive legislation, according statutory status and defining the legal powers of investigation of CBI has a bearing on Inter-State relations. The matter is under consideration in consultation with Ministry of Home Affairs. Decision will be taken after the final comments of that Ministry are received by this Department.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93]

The Ministry further stated that:—

As the Committee are aware, public order and police, under the existing scheme of division of powers between the Centre and States under the Constitution of India, are State subjects (entries No. 1 & 2 of the list II State List of the 7th Schedule of the Constitution of India). Under the present scheme of things, therefore, the investigation of cases by CBI or by any other National Agency can proceed only with the specific consent of the State Govt. concerned. In view of this legal/constitutional position no further action at present can be taken in this regard.

[DOPT D.O. No. 226/2/92-AVD. II, dated 10.7.93]

**Recommendation (Sl. No. 4, Para No. 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.

**Reply of Government**

The recommendation is under the consideration of Ministry of Home Affairs.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93]

The Ministry further stated:

The suggestions of the Committee have been considered very carefully and it has been found, there would be no distinct advantage in creating a National Police Agency (NPA) as this would also be subject to the same problems and difficulties presently being experienced by the CBI.

[DOPT D.O. No. 226/2/92-AVD. II, dated 16.7.93]

**Recommendation (Sl. No. 17, Para No. 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 projects 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.

**Reply of Government**

A number of proposals received from CBI for provision of land and for construction of residential quarters at different branches have been referred to Ministry of Urban Development with recommendations to include the same in their relevant budget proposals. These are being

sanctioned and implemented in phases depending on the availability of resources and other relevant factors.

Percentage of satisfaction in respect of the above branches is as under:—

Sl. No.	Name of the branch	Percentage of satisfaction				
		Type-I	Type-II	Type-III	Type-IV	Type-V
1.	Delhi	72%	35%	61%	48%	45%
2.	Bombay	100%	22%	23%	—	—
3.	Calcutta	—	27%	—	—	—
4.	Madras	12%	42%	18%	12%	4%
5.	Bhubaneshwar	100%	63%	16%	100%	100%
6.	Chandigarh	50%	50%	50%	80%	80%
7.	Cochin	50%	50%	50%	80%	80%
8.	Jaipur	50%	50%	50%	—	100%

Residential quarters constructed by CBI are not available at other places. However, Estate Office is allotting quarters, if available to CBI. All CBI Officers/staff are entitled for the General Pool Accommodation except in Delhi for Type-I to Type III.

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

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

As regards general pool accommodation at Delhi for Type-I to Type-III the issue has again been taken up with Directorate of Estates in pursuance of this recommendation.

[DOPT O.M. No. 226/2/92-AVD. II, dated 1.2.93]

## **CHAPTER V**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT ARE AWAITED**

#### **Recommendation (Sl. Nos. 5 & 6, Paras 2.56 & 2.58)**

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. and also a separate building for the use of Interpol Wing.

#### **Reply of Government**

A complete computer system fax machine etc. have been provided to the Interpol Wing. Further, provision of additional facilities will be considered on receipt of proposal from CBI.

[DOPT O.M. No. 226/292-AVD. II, dated 1.2.93]

#### **Recommendation (Sl. No. 6, Para 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 45 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.

#### **Reply of Government**

The recommendation is under consideration of Ministry of Home Affairs.

[DOPT O.M. No. 226/292-AVD. II, dated 1.2.93]

The Ministry regarding recommendation Sl. No. 5 and 6 have further stated:—

The suggestions of the Committee in regard to strengthening/providing certain infrastructural facilities both to Interpol Divisions as well as to Central Forensic Laboratory have been examined by this Department in consultation with Ministry of Home Affairs very carefully. As regards providing infrastructure facilities to Interpol, this Department has not received any proposal from the CBI. Regarding staff augmentation proposals, which were incomplete however, the CBI (Interpol Division) as also the CESL have been advised to approach the Ministry of Finance to undertake SIU study to ascertain the actual workload and additional requirement of manpower. Further action, in the matter would therefore be taken after the same has been done and its findings analysed in the overall context of Govt. Policy regarding creation of new posts etc. Keeping in view economy measures.

[DOPT D.O. No. 226/2/92—AVD. II, dated 16.2.93]

#### **Recommendation (Sl. No. 7, Para 2.60)**

The Committee desire the Government to examine the question of giving statutory basis to the existing administrative arrangement for obtaining the co-operation 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.

#### **Reply of Government**

The question of enacting appropriate legislation including amendment of the Constitution, if considered necessary, for giving, statutory status to the CBI, is under the consideration of Govt., as explained in reply to the recommendations contained in paras 1.31 & 1.35 of the Report. On the need for cooperation of State Govts. in the investigation by CBI in anti-corruption cases, 15 State Govts. Have already given their general consent under Section 6 of the Delhi Special Police Establishment Act 1946, 3 State Govts. namely Sikkim, Haryana and Jammu and Kashmir have not given their general consent. 6 State Govts. namely, Himachal Pradesh, Uttar Pradesh, Assam, West Bengal, Madhya Pradesh and Andhra Pradesh have given conditional consent. Matter is being pursued at the Minister's level with the Chief Ministers of the States which have not so far given their general consent. The Secretariat of the Inter-State Council has also been requested to place the matter before the meeting of the Council.

[DPOT O.M. No. 226/2/92—AVD. II, dated 1.2.93]

The Ministry further stated:—

The Bureau presently functions on the strength of notification issued by the Central Government under the Delhi Special Police Establishment Act, 1946 after specifically obtaining consent of the State Govt. concerned. The matter relating to obtaining co-operation/securing their consent was also taken up with the State Governments. In the last Inter-State Counsel Meeting, though their response was not very favourable. However, the matter is still being pursued with the concerned State Govts. individually. In this connection, it may also be mentioned that in view of the legal position as explained in para 1.35 giving statutory basis to the existing administrative arrangements may not be feasible.

[DOPT D.O. No. 226/2/92—AVD. II, dated 16.7.93]

#### **Recommendation (Sl. No. 9, Para 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 concerned 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.*

#### **Reply of Government**

2.65—The recommendation is under the consideration of Min. of Home Affairs and CBI.

[DOPT O.M. No. 226/2/92—AVD. II, dated 1.2.93]

The Ministry further stated:

Efforts have been made to persuade the Punjab Government about the necessity of restoring the permission to investigate cases relating to Border Wing. However, so far the consent has not been received.

[DOPT O.M. No. 226/2/92—AVD. II, dated 29.7.93]

**Recommendation (Sl. No. 10, Para No. 3.54)**

The Committee desire that the Govt. 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 Organisations in respect of junior level investigative officials. They desire that CBI should build a dependable, specialised and highly motivated investigative force. For this the Committee ever the need for providing attractive service conditions and better carrier prospects to those young men and women who might choose to join CBI. At the same time, they also desire the Govt. 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.

**Reply of Government**

3.54—The CBI has undertaken a review of the percentage of direct recruits, deputationist and<sup>1</sup>promotees for different posts in CBI in order to improve the functioning and efficiency of the organisation, and at the same time provide adequate promotion prospects for the directly for the directly recruited staff and officers. Consequent on the recommendations of the Fourth Central Pay Commission. the pay scales of Constables to Inspectors have been improved and they are given higher scales than those recommded by the Fourth Pay Commission as regards deputationists, a scheme for rationalising the terms of deputation is under consideration of the Govt.

[DOPT O.M. No. 226/92—AVD II dated 1.2.93]

**Recommendation (Sl. No. 11, Para No. 3.56)**

The Committee desire that to mitigate the grievances of departmental officers of 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 CBI. 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.



### **Reply of Government**

In the case of DSP, UPSC has agreed to raise promotion quota from existing 30% to 33 1/3%. Departmental Inspectors having requisite qualification and service have also been allowed to compete in the Direct Recruitment Quota of 33 1/3% through interview. The matter is under process and would be finalised shortly.

2. A proposal for payment of 13 months salary to deputationists/departmental officers in CBI is under consideration.

[DOPT O.M. NO.226/2/92—AVD II, dated 1.2.93]

### **Recommendation (Sl. No. 12, Para No. 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.

### **Reply of Government**

The earlier SIU recommendations were not acceptable to the CBI and as such these were not implemented. The SIU has agreed to undertake a fresh study of the CBI and included it under the calender of programme for the year 1992-93.

[DOPT O.M. NO. 226/2/93—AVD II dated 1.2.93]

### **Recommendation (Sl. No. 13, Para No. 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 Cells, 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.

### **Reply of Government**

In terms of the perspective plan, Regional office at Shillong has since been set up and is functioning since Aug. 92. The remaining items will be taken care of under reorganisation plan of the CBI which is under consideration, as mentioned against the recommendation in para 2.63 of the Report.

[DOPT O.M. No. 226/2/92—AVD II dated 1.2.93]

**Recommendation (Sl. No. 16, Para No. 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.

**Reply of Government**

20 Posts in various ranks have been sanctioned by the Govt. for the Training Centre. Though Ministry of Home, have once again expressed their inability to undertake the training of direct recruitability Dy. S.P. in the National Police Academy, Hyderabad. The matter has again been taken up by Deptt. of Personnel & Trg. with that Ministry at a higher level.

[DOPT O.M. No. 226/2/92—AVD II, dated 1.2.93]

The Ministry further stated:

The establishment of CBI Training Institute at Ghaziabad at a cost of Rs. 6.43 crores is in advanced stage. Further, the Ministry of Home Affairs have also agreed to provide training to Deputy Supdts. of Police of the CBI at the National Police Academy, Hyderabad till the CBI Training Academy becomes functional.

[DOPT O.M. No. 226/2/92—AVD II, dated 16.7.93]

**Recommendation (Sl. No. 18, Para No. 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.

**Reply of Government**

The proposal for re-organisation of CBI to augment the staff strength is under consideration. Additional/investigating staff is sanctioned whenever important cases like Bank/Securities scam and Ayodhya are entrusted for investigation to CBI.

[DOPT O.M. No. 226/2/92—AVD II, dated 1.2.93]

**Recommendation (Sl. No. 20, Para No. 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.

**Reply of Government**

Presently 10 exclusive courts are functioning in the following 6 States:

1. West Bengal
2. Uttar Pradesh
3. Karnataka
4. Rajasthan
5. Punjab
6. Andhra Pradesh

Proposals for setting up exclusive courts in the following five States are under consideration:

1. Bihar
2. Madhya Pradesh
3. UT of Delhi
4. Tamil Nadu
5. Maharashtra.

Matters regarding setting up of exclusive courts converting an existing court into exclusive court temporarily is under examination with regard to the following States:

1. Assam 2. Manipur 3. Gujarat 4. Kerala 5. Orissa 6. Goa 7. Arunachal Pradesh 8. UT of Chandigarh 9. UT of Pondicherry 10. Himachal Pradesh 11. Haryana 12. J & K 13. Mizoram 14. Nagaland.

[DOPT O.M. No. 226/292—AVD, II, dated 1.2.93]

**Recommendation (Sl. No. 21, Para No. 4.33)**

The Committee would like the Ministry to take all administrative action and tone up the procedure to avoid any delays in appointing Special Counsels.

**Reply of Government**

The power to appoint Counsels for Govt. Departments in various courts vests with Ministry of Law and Justice to whom the proposals of the CBI for appointment of Counsels are referred. The CBI has proposed that

this power should be delegated to the Director/CBI to avoid delay. Ministry of Law has not agreed to this, as such delegation has not been made in any other case. Instead they have proposed that list of Counsels for various courts may be drawn by the CBI and furnished to them, so that they may make selection for inclusion in their panels. CBI is presently working on the suggestion of Ministry of Law. It is hoped that this will avoid unnecessary delay in appointment of Counsels.

[DOPT O.M. No. 226/2/92—AVD II, dated 1.2.93]

NEW DELHI;

*April 4, 1994*

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*Chaitra 14, 1916 (S)*

DR. KRUPASINDHU BHOI,

*Chairman,  
Estimates Committee.*

## APPENDIX I

### MINUTES

Eighteenth Sitting 28.03.1994

The Committee sat from 1500 to 1700 hours.

#### PRESENT

Dr. Krupasindhu Bhoi — *Chairman*

#### MEMBERS

2. Shri Pawan Kumar Bansal
3. Shri Bhupinder Singh Hooda
4. Shri Imchalemba
5. Shri Dau Dayal Joshi
6. Smt. Sumitra Mahajan
7. Shri B. Akber Pasha
8. Shri Kabindra Purkayastha
9. Shri Manku Ram Sodi
10. Shri Braja Kishore Tripathy
11. Shri Lacta Umbrey

#### SECRETARIAT

1. Shri Murari Lal — *Joint Secretary*
2. Smt. P.K. Sandhu — *Deputy Secretary*
3. Shri R.C. Gupta — *Under Secretary*
4. Smt. Abha Singh Yaduvanshi — *Committee Officer*
5. Shri N.C. Gupta — *Committee Officer.*

The Committee considered and adopted the following Action Taken Reports subject to the amendments/modifications as reflected in the Annexure.

(i) Draft Report on the Ministry of Personnel, Public Grievances and Pensions — Central Bureau of Investigation (Annexure I).

(ii) \*\*\*

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The Committee also authorised the Chairman to make other consequential changes arising out of factual verification by the respective Ministries and present the same to the House.

*The Committee then adjourned.*

## ANNEXURE-I

Amendments/Modifications made by the Estimates Committee in the Draft Report on Action Taken by Government on the recommendations contained in the 18th Report of EC (10th Lok Sabha) on the Ministry of Personnel, Public Grievances and Pensions — Central Bureau of Investigation.

Para	Line(s)	Amendment/Modifications
1	2	3
1.6	3	For 'for the unconscionable delay' Substitute 'over this lapse'
1.11	9	For 'the States' Substitute 'a State'
1.11	16	For 'of its predecessor Committee (4th Lok Sabha — 78th Report)' Substitute 'contained in the 78th, Report (4th Lok Sabha) of Estimates Committee.
1.11	8 from bottom	For 'are concerned' Substitute 'regret'
	7 from bottom	For 'the year instead of taking the matter' Substitute 'one year, since the recommendation was made instead of taking up the matter'.
	5 from bottom	After 'about' Add 'existing'
1.14 & 1.15	—	Recommendation to be redrafted (enclosed)
1.18	1	For 'are concerned to find' Substitute 'note with concern'
1.19	2 from bottom	For 'recommend' Substitute 'desire'
1.25	3	For 'relating to' Substitute 'by its'
	4 from bottom	Delete 'relating to border wing'

1	2	3
1.28	4	Delete 'can'
1.30A	2	For 'in the case' Substitute 'for filling up' the post'.
1.34	2	Delete 'the reorganised'
1.40	last line	After 'amount' Add 'allocated amount'.
1.44	5-6	For 'that Ministry have' Substitute 'the Ministry of Law have'.
1.45	1	Delete 'they attached'
	2	After 'importance' Add 'has to be attached'.
	4	For 'urge that Government should' Substitute 'expect that Government'
1.46	1 & 3	For 'reply' Substitute 'replies'

### Recommendation

1.14. During the course of the evidence, the Committee was informed by the Ministry of Personnel, Public Grievances and Pensions that while sufficient emphasis was given by CBI to the anti-corruption work, as need had been felt for long by the Central Government to have a Police Investigation Agency of its own to investigate offences of national and trans-national nature and those affecting the unity and integrity of the country. They were in fact given to understand that increasing involvement of CBI officers in investigation of sensational crimes of various types was being made at the expense of anti-corruption work, which otherwise remained the primary responsibility of the CBI. The Ministry were candid in their admission that CBI was not fully equipped to discharge the growing responsibilities in terms of man power and other resources and the setting up of a body which had the authority and character of a National Police Agency needed further examination.

1.15 It was in this context that the Committee had recommended that a proposal for creating such an Agency as distinct from CBI be examined promptly and with utmost seriousness. They had also desired that this question should also be discussed with the Chief Ministers in the ensuing Conference. The Committee have, however, noted that the Ministry have

now in their Action Taken Replies simply stated that no distinct advantage would be there in creating a National Police Agency as this would also be subject to the same problems and difficulties which are being faced by the CBI. The Committee have not been informed as to whether the matter of setting up a National Police Agency has even been discussed in the Chief Ministers' Conference or not and if so, the decision which was arrived at. The Committee, therefore, desire that in case the matter has not been discussed with the Chief Ministers, the same be discussed in right earnest without having undermined the spirit behind the recommendation of the Committee. The Committee would also desire to be apprised of the outcome of the effects made in this regard within a period of three months.



## **APPENDIX II**

*(Vide introduction of the Report)*

### ***Analysis of Action Taken by Government on the 13th Report of Estimates Committee (Tenth Lok Sabha)***

<b>I. Total number of Recommendations</b>	<b>22</b>
<b>II. Recommendations/Observations which have been accepted by Government (Sl. Nos. 14, 15 and 19) Total</b>	<b>3</b>
<b>Percentage</b>	<b>13.64</b>
<b>III. Recommendations/Observations which the Committee have not desire to pursue in view of Government replies.  (Sl. nos. 6, 8 and 22)  Total</b>	<b>3</b>
<b>Percentage</b>	<b>13.64</b>
<b>IV. Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee (Sl. Nos. 1, 2, 4 and 17)  Total</b>	<b>4</b>
<b>Percentage</b>	<b>18.18</b>
<b>V. Recommendations/Observations in respect of which final replies of Government are till awaited (Sl. Nos. 5, 6, 7, 9, 10, 11, 12, 13, 16, 18, 20 and 21) Total</b>	<b>12</b>
<b>Percentage</b>	<b>54.54</b>