

**10– 09 – 2023**

**News:** CBI does not require permission to probe pre 2014 cases too: SC

- A Constitution Bench on Monday held that a Supreme Court judgment of 2014 which declared invalid a legal provision mandating the Central Bureau of Investigation (CBI) to take prior permission before investigating corruption cases against senior government officials has a retrospective effect.

## **Central Bureau of Investigation (CBI)**

- The Central Bureau of Investigation (CBI) is the premier investigating agency of India.
- CBI is constituted as per the recommendations of **Santhanam committee**.
- It **derives its powers from the Delhi Special Police Establishment Act (DSPE), 1946**.
- The CBI is required to obtain **the prior approval of the Central Government before conducting any inquiry or investigation into an offence committed by officers of the rank of joint secretary and above** in the Central Government and its authorities.
- Operating under the jurisdiction of the **Ministry of Personnel, Public Grievances and Pensions**, the CBI is headed by the Director.

- CBI director is appointed, for not less than a term of 2 years, by the Appointment Committee on recommendation of Home Ministry as mentioned in DSPE Act 1946 amended through the Lokpal & Lokayukta Act 2013.
- Recently, the president promulgated Central Vigilance Commission (Amendment) Ordinance 2021 and the Delhi Special Police Establishment (Amendment) Ordinance 2021 regarding the term of CBI director.
- As per the ordinances, the Chiefs of the top agencies can be given extensions, every year for up to three years after they complete the two-year term. The ordinances said, no such extension will be granted after the completion of a period of five years in total including the period mentioned in the initial appointment.
- CBI director enjoys the pleasure of President.
- The CBI's functioning is superintended by the Central Vigilance Commission when the offenses being investigated come under the Prevention of Corruption Act, 1988.
- CBI can suo-moto take up investigation of offences notified in DSPE act, only in the Union Territories.

**Appointment Committee (Mandated in Delhi Special Police Establishment Act, 1946 amended by Lokpal and Lokayukta Act, 2013)**

- **Prime Minister as Chairperson, Leader of Opposition in Lok Sabha**, or on his/her absence – Leader of the single largest opposition party in Lok Sabha (added in the Delhi Special Police Establishment (Amendment) Act of 2014), **Chief Justice of India (CJI) or an SC Judge nominated by CJI** as its members.
- CBI is **exempted from the provisions of the Right to Information Act**.
- CBI is India's officially designated single point of contact for liaison with the **Interpol**.
- CBI requires a **general consent of the state to enquire in its jurisdiction into cases of corruption against central government employees**.
- In case, **any state revokes such consent, the CBI has to get case – specific consent from the respective State government, except in cases assigned by High Court(s) or Supreme Court**.
- **The revoke of such general consent does not affect cases that are already registered with CBI**.
- **Mizoram, West Bengal, Chhattisgarh, Rajasthan, Maharashtra, Kerala, Jharkhand, Punjab, Meghalaya and Tamil Nadu** had withdrawn their general consent given to CBI as of June 2023.
- Three types of cases are handled by CBI; Anti-Corruption, Economic Offences and Special Crimes Division (Internal Security, Murders etc.).

- The Central Bureau of Investigation may also refer any case or matter to the Advisory Board for Banking Frauds (ABBF) constituted under Central Vigilance Commission (CVC) where it has any issue or difficulty or in technical matters with the PSB concerned.