

# Appointment of Regular CBI Director

March 15, 2021

**In News:** The Supreme Court on Friday issued notice to the Centre on a plea seeking appointment of a regular Director for the CBI in accordance with the provisions of the Delhi Special Police Establishment (DSPE) Act.

**Issue:** A bench of justices L Nageswara Rao and S Ravindra Bhat sought the Centre's views on the plea by NGO Common Cause.

## What plea by NGO Common Cause says ?

- Government had failed to appoint a regular CBI Director as per section 4A of the Act, upon the expiry of term of the last Director, Rishi Kumar Shukla, on February 2 and had instead appointed Praveen Sinha, as interim Director.
- The plea urged the court to direct the Centre to initiate and complete the process of selection of the CBI Director well in advance, at least one to two months before the date on which the post would fall vacant.

## Central Bureau of Investigation (CBI)

- The CBI is the main investigating agency of the GOI. It is not a statutory body; it derives its powers from the Delhi Special Police Establishment Act, 1946.
- Its important role is to prevent corruption and maintain integrity in administration.
- CBI is not a statutory body as it is not established by an Act of the Parliament.
- CBI is exempted from Right to Information (RTI) Act similar to National Investigation Agency (NIA), National Intelligence Grid (Natgrid), etc.

- CBI is headed by a Director, an IPS (Indian Police Service) officer of the rank of Director General of Police. The director is selected based on the CVC Act, 2003 for two years-term. Several other ranks in CBI are filled through recruitment by SSC or deputation from Police, Income Tax Department and Customs Department.
- The appointment procedure of CBI Director has undergone several changes over time.
- It works under the supervision of the CVC (Central Vigilance Commission) in matters pertaining to the Prevention of Corruption Act, 1988.
- The Central Government can authorize CBI to investigate cases in any state with the consent of the concerned state.
- The Supreme Court and High Courts can also order the CBI to investigate without state's consent.

### **Appointment Director for the CBI**

- Initially, appointments were made as per Delhi Special Police Establishment Act, 1946.
- In 2003, DSPE Act revised on ground of the Supreme Court's recommendation.
  - Committee
    - Central Vigilance Commission,
    - Secretaries from Home Ministry,
    - Secretaries from the Ministry of Personnel and Public Grievances
  - Recommendations to the Central Government for appointment of CBI Director.
- In 2014, Lokpal Act provided a committee for appointment of CBI Director was formed
  - Headed by Prime Minister
  - Members
    - Leader of Opposition/ Leader of single largest opposition party,
    - Chief Justice of India/ a Supreme Court

Judge.

- The Home Ministry sends a list of eligible candidates to DoPT that prepares the final list and sends it to the committee.