

## **CONSTITUTION AND ORGANISATION OF CBI**

### **1.1 Growth and Evolution of the Organisation**

At an early stage of the World War-II, the Government of India realised that the vast increase in expenditure for war efforts had provided opportunities to unscrupulous public servants and anti-social elements for indulging in bribery and corruption. It felt that the Police and other Law Enforcement Agencies under the State Governments were not in a position to cope with the situation. Therefore, to investigate offences connected with transactions relating to war efforts, an organization known as the Special Police Establishment was set up in 1941 under an executive order of the Central Government. The Headquarters of Special Police Establishment was established at Lahore. Its branches were created in due course at Jabalpur, Bombay, Calcutta, Delhi, Madras, Ranchi, Peshawer, Quetta and Rawalpindi. The activities of the S.P.E. were subsequently extended to include cases of corruption in Railways also.

1.2 In 1943, some doubt was felt about the legal powers of Police officers working with the S.P.E. and therefore an Ordinance was issued by the Government of India, by which a Special Police Force with powers to investigate certain offences anywhere in British India, was constituted. Even 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 and therefore, the Ordinance issued in 1943, which had lapsed on 30th September, 1946 was further extended and finally 'Delhi Special Police Establishment Act' was enacted. After the promulgation of the Act, the superintendence of the SPE was transferred to the Home Department and its functions were enlarged to cover all departments of the Government of India. Since then the SPE functions under this Act. Its jurisdiction extends to all Union Territories and it can also be extended to the States with the consent of the State Governments concerned.

1.3 In 1953, an enforcement wing was added to the SPE to deal with the offences relating to breach of import and export regulations. With the passage of time, more and more cases under laws other than Prevention of Corruption Act also came to be entrusted to the SPE. By 1963, the SPE was authorised to investigate offences under 91 different sections of the Indian Penal Code, offences under the Prevention of Corruption Act, 1947 and 16 other Central Acts. A growing need was, therefore, felt for a 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 organized gangs or professional criminals. Therefore, the Government of India set up the Central Bureau of Investigation

on 1st April, 1963. The Organization and functions of the Central Bureau of Investigation are given in the Government Resolution dated 1st April, 1963, a copy of which is placed at [Annexure-I](#). The Delhi Special Police Establishment became one of the divisions of the CBI. The tasks to be performed by the Central Bureau of Investigation as per the Resolution were the following :-

- i) Investigation of offences specified by the Central Government under Section 3 of the Delhi Special Police Establishment Act (Act XXV of 1946)
- ii) Collection of intelligence relating to certain types of crime
- iii) Participation in the work of the National Central Bureau connected with the International Criminal Police Organisation
- iv) Maintenance of crime statistics and dissemination of information relating to crime and criminals
- v) Study of specialised crime of particular interest to the Government of India or crimes having All India or Inter-State ramifications or of particular importance from the social point of view
- vi) The conduct of Police research
- vii) Coordination of laws relating to crime

1.4 The organisation was strengthened in 1964 by the addition of the Economic Offences Wing vide Government of India Resolution No. 24/66/64-AVD.II dated 29.2.64. In due course of time, a Special Crime Division was also created in the organization.

1.5 In the year 1985, based on the views of the Estimates Committee of VII Lok Sabha, a committee under the chairmanship of the then Cabinet Secretary Shri P.K. Kaul was formed to review the role, functions & working of CBI, to suggest measures to tone up its working and to examine feasibility of bringing it under a single administrative hierarchy. The Committee, in its report had suggested that CBI should have three major divisions namely Anti-Corruption, Special Crimes and Economic offences and other support divisions which should be placed under three Additional Directors. It also suggested strengthening of various CBI branches and giving CBI a firm statutory basis to enable it to discharge its functions effectively by way of amendment in the Constitution. Accordingly an order was issued in the year 1994 setting and defining the jurisdiction of branches under Anti Corruption, Special Crimes and Economic Offences Divisions<sup>1</sup>.

1.6 In the year 1997, government among its various measures to contain corruption, established a committee under the chairmanship of Shri B.G. Deshmukh, former Cabinet Secretary to examine the structure and functioning of CBI. The Committee in its report recommended that CVC be conferred statutory status and to overview CBI's functioning. It also suggested

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<sup>1</sup> Policy Division Order No. 21/50/94-PD dated 26.11.1994.

streamlining of CBI's reporting to the government without diluting its functional autonomy besides constitution of a selection committee headed by CVC with Home Secretary and Secretary (Personnel) as members for identifying a panel of names for selection of Director, CBI who was also to have a minimum tenure of two years and full freedom for allocation of work within the agency.

- 1.7 Pursuant to the direction of the Hon'ble Supreme Court in 340- 343/1993 (Vineet Narain & Others V/s Union of India), changes have been effected in the legal framework for prosecution of CBI Cases. Vide OM No. 201/5/2000-AVD.II dated 9th July, 2001, a Directorate of Prosecution has been constituted to supervise the work of prosecution by reconstituting the existing Legal Division.
- 1.8 On 12.09.2003, CVC Act has been notified giving CVC a statutory basis. The act, inter-alia, amended the DSPE Act, 1946 and brought the superintendence of DSPE, so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act 1988, under the Commission. The Act also provides for establishment of a committee to recommend panel of officers for being considered for appointment as Director. It statutorily ensures the tenure of Director to a minimum of two years.
- 1.9 Over a period of time, some of the work originally allocated to the CBI was transferred to other central police organizations. Part of the work relating to Crime Records & Statistics Division was transferred to NCRB and that relating to Research Division was transferred to BPR&D.
- 1.10 Under the Government of India (Allocation of Business) Rules, 1961, the executive functions in respect of CBI were originally dealt by the Ministry of Home Affairs. Subsequently, the functions were transferred to the Ministry of Personnel, Public Grievances, Pensions and Training and with effect from 30th January, 2003, CBI has been brought under the charge of the Cabinet Secretariat.
- 1.11 Over the years, the Central Bureau of Investigation (CBI) has emerged as the premier investigation agency of the Government of India. It enjoys the trust and credibility of the Parliament, Judiciary and the common man. In the last forty years, the organisation has evolved from an Anti-Corruption Agency to a multi-faceted, multi-disciplinary professional body. At present not only corruption cases, but a variety of offences involving threat to national security, national economy, violation of human rights and conventional crime having national and international ramifications are being entrusted to the CBI by the States, Central Government and Constitutional Courts.
- 1.12 **Organizational Structure of CBI**

The organisational setup has thus under gone several changes since its inception and its present set up is described in the following paragraphs. The organisational chart is placed at [Annexure II](#).

1.13                    **Delhi Special Police Establishment Division**

1.13.1                **Anti-Corruption Division** : The Anti-Corruption Division is responsible for collection of intelligence with regard to corruption, maintaining liaison with various departments through their vigilance officers, enquiries into complaints about bribery and corruption, investigation and prosecution of offences pertaining to bribery and corruption and tasks relating to preventive aspects of corruption. It takes up cases against public servants under the control of the Central Government, public servants in Public Sector Undertakings under the control of Central Government and cases against the public servants working under State Government entrusted to the CBI by the State Governments. The Anti-Corruption Division is headed by an officer of the rank of Special Director/Addl. Director. It is divided into seven Anti-Corruption Zones, namely, Delhi Zone, North Zone, West Zone, Central Zone, South Zone, East Zone and Anti-Corruption (HQ) Zone. Each zone functions under the control of a Joint Director. Zones are further divided into 17 Regions each headed by a DIG. Every Region consists of 2-3 Branches, each under the charge of an SSP/SP. The Branches under the AC(HQ) Zone are designated as Central Units and have all India jurisdiction. Branches under other zones have territorial jurisdiction over one or more states / parts of the states.

1.13.2                **Economic Offences Wing** : The Economic Offence Wing of CBI is headed by a Special Director/Addl. Director. It takes up cases of cheating, forgery, criminal breach of trust and large-scale frauds affecting the property or revenue of the Government, cases of smuggling in narcotics and psychotropic substances, antiquities and other economic crimes of national importance. CBI is the pioneer in the field of cyber crime. The MHA vide U.O. No.22011/1/2001 PMA dt. 9.2.2001 has nominated Cyber Crime Investigation Cell of the CBI as the nodal agency for developing national capabilities for fighting cyber crime and to develop training courses for cyber crime investigation for State Police officers. It is recognised by Interpol as the international contact point in India for reporting cyber crime.

1.13.3                The Economic Offences Wing is divided into four Zones namely EOW-I, EOW-II, EOW-III and EOW-IV Zones, each headed by a Joint Director. The Zones are divided into seven Regions each under the charge of a DIG. The Regions are further divided into 22 Branches, each headed by a SSP/SP. The Branches located at Delhi, Kolkata, Chennai and Mumbai as well as the Branches of Bank Security and Fraud Cell under (EOW-IV) Zone located at Delhi, Kolkata, Bangalore and Mumbai have territorial jurisdiction. Rest of the Branches are Central Units having all India jurisdiction.

1.13.4.1      **Special Crimes Division** : The Special Crimes Division handles all cases of conventional crimes such as offences relating to internal security, espionage, hijacking, murders, dacoities/robberies, dowry deaths and other IPC offences as well as offences under other laws notified under the DSPE Act. It is also responsible for investigation of crimes with interstate and international ramifications. Special Crimes Division of CBI is headed by a Special Director/Additional Director. This Division has SC I Zone, SC II Zone, Multi Disciplinary Monitoring Agency and Special Task Force under it, each headed by a Joint Director. These Zones are divided into 8 Regions, each headed by a DIG. The regions are further divided into Branches, headed by an officer of the rank of SSP/SP. Six of the Branches have territorial jurisdiction. They are located at Delhi, Chandigarh, Lucknow, Kolkata, Chennai and Mumbai. The rest are Central Units having all India jurisdiction.

#### 1.14                      **Directorate of Prosecution**

The Directorate was created pursuant to orders of Hon'ble Supreme Court by reconstituting the existing Legal Division of the CBI. The Directorate of Prosecution is headed by a Director of Prosecution who is an Officer appointed by the Government. The duties of the Director of Prosecution include (a) supervision and monitoring of the prosecution in courts (b) preferring in appeals, revisions etc. (c) giving advice to investigating officers on all matters relating to criminal offences during investigation and trial (d) advising on the feasibilities on filing appeals, revisions etc. (e) Preparing a panel of Special Counsels with the approval of the Government (f) Selecting retainer counsels for High Courts. Under the administrative control of the Director of Prosecution, law officers of the ranks of Additional Legal Advisors, Dy. Legal Advisors, Sr. Public Prosecutors, Public Prosecutors and Assistant Public Prosecutors function, in the CBI Branches spread all over the country.

#### 1.15                      **Administration Division**

1.15.1      1.15.1              The Administration Division is responsible for managing human and material resources of the organization. The main activities include recruitment, training, transfer, confirmation, promotion, deputation, absorption, disciplinary action, budget & appropriation, grant of advances, welfare, accommodation, provisioning besides work study, custody & maintenance of Annual Confidential Reports of non-gazetted officers and promotion of the use of Hindi.

1.15.2              The Division is headed by a Joint Director who reports to the Director/CBI through the Additional Director (E). There are three DIsG namely DIG (Administration), DIG (Personnel) and the DIG (Training) who in turn are

assisted by SP (Headquarters) & Administrative Officer (A), SP (Personnel) & Administrative Officer (P) and SsP (Trg) (2) & SP (R&D) respectively who are responsible for the supervision of discharge of various duties of the Administration Division.

#### 1.16 **Policy Division**

1.16.1 The Policy Division deals with formulation of policy regarding investigation of cases in CBI, scrutiny of returns and statements under the Conduct Rules of Gazetted Officers, handling of Confidential Reports of Gazetted Officers upto the rank of Superintendent of Police, compilation of periodical statistics for use of Cabinet Secretariat and preparation of the Annual Administration Report of the Department, formulation and review of implementation of the programme of work of the organisation, liaison with Heads of Ministries/Departments and Government Undertakings on Policy matters. There are also Special Units which are part of this Division. The function of the Special Units is collection of intelligence in respect of corruption at high places.

1.16.2 The Policy Division is headed by a Joint Director who works directly under the Director/CBI. There are two DIsG looking after the work of three Special Units located at Delhi and one each at Mumbai, Kolkata and Chennai. Each Unit is headed by a SSP/SP. Two AIsG(P) and one Dy. Principal Information Officer also function under the direct control of the Joint Director (Policy).

#### 1.17 **Coordination Division**

1.17.1 This division is headed by Dy. Director (Coordination), which functions under a Joint Director nominated by the Director/CBI. DD (Coordination) is assisted by two ADs(Interpol) and one AD(Coordination). The Coordination Division comprises of two Units namely, (1) Coordination and (2) Interpol.

1.17.2 **Coordination Unit** organises All India Crime Prevention Weeks, takes part in the organisation of DGPs/Inspector Generals of the Police, CID Conference and is also incharge of publication of CBI Bulletin.

1.17.3 **Interpol** - The CBI is designated as National Central Bureau - India, Interpol New Delhi by the Government of India since 1966. It is the only agency recognized by Interpol Secretariat General for bilateral as well as multilateral police cooperation among the member states. Interpol, New Delhi is the interface between Indian and foreign law enforcement agencies and is responsible for multifarious activities like - extradition matters, investigation abroad and execution of foreign Letters Rogatory in India, issuance of various Interpol notices, negotiation of bilateral as well as multilateral treaties on extradition/mutual legal assistance treaties in criminal matters, coordination with the Indian States and Interpol member countries on policing related matters. Interpol New Delhi is connected globally with all member countries of



Interpol, through the Interpol Global Communications System (IGCS) I-24/7, which is an Internet based communication system being installed worldwide by member nations. Interpol, New Delhi also remains in constant touch with various agencies like FRRO, Immigration check posts and state police law enforcement agencies to help track their absconders and fugitives as well as with various Embassies and Missions located in New Delhi and Indian Missions abroad.

1.18           **Systems Division**

1.18.1           The Systems Division looks after the information technology needs of the CBI. The main function of the Division is creation and operation of the 'decision support systems' in respect of administration and crime supervision functions of the organization. These objectives have been mainly achieved through the computerization project of 1997. By means of this Project, two comprehensive data bases viz. (i) CRIMES and (ii) ADMINS have been created. The CRIMES MODULE assists in monitoring and supervision of investigation, prosecution and RDA matters, besides supporting the computerization of Malkhanas. The ADMINS MODULE assists in decision making on administration matters. It comprises of sub-modules namely PIS (Personnel Information System), Accommodation, Budget, Pay Roll, Central Benevolent Fund, Vehicles, equipments, dead stock etc.

1.18.2           The Systems Division functions under a JD/DIG well versed with computers. Under his guidance, an officer on Special Duty (OSD), Computers looks after the work of computerization at the main Computer Centre of CBI at New Delhi. Besides officers of the ranks of Principal Systems Analyst/Sr. System Analysts, Programmers and Asstt. Programmers are posted in various Branches for performing the computerization related aspects.

1.19           **Central Forensic Science Laboratory (CFSL)**

It is the principal forensic science institution in the country having 9 divisions under one roof at Delhi, viz. Chemistry Division, Physics Division, Biology Division, Serology Division, Documents Division, Ballistics Division, Lie Detection Division, Finger Print Division and Photo & Scientific Aid Section. This is a scientific laboratory of the Ministry of Home Affairs rendering scientific service in crime exhibit analysis in actual cases referred to it by CBI, Vigilance, State & Central Government Departments, Judiciary and State Forensic Science Laboratories.

1.20           The latest instructions on determining the jurisdiction of each Investigation Unit, Region and Zone has been given in the Circular No. 21/43/2002-PD-01307 dated May 30, 2003 of the Policy & Coordination Division, a copy of which is enclosed as [Annexure -III.](#)