



# Appointment of CBI Director

## Why in News

Recently, the Central Government has appointed '**Subodh Kumar Jaiswal**' as a new Director of the [Central Bureau of Investigation \(CBI\)](#).

- The Director of the CBI is appointed as per **section 4A** of the **Delhi Special Police Establishment Act of 1946**.

## Key Points

- **About the Central Bureau of Investigation (CBI):**
  - The CBI was **set up in 1963** by a resolution of the Ministry of Home Affairs.
    - Now, the CBI comes under the **administrative control of the Department of Personnel and Training (DoPT)** of the Ministry of Personnel, Public Grievances and Pensions.
  - The establishment of the CBI was **recommended** by the **Santhanam Committee** on Prevention of Corruption (1962–1964).
  - The CBI is **not a statutory body**. It derives its powers from the **Delhi Special Police Establishment Act, 1946**.
  - The CBI is the **main investigating agency of the Central Government**.
    - It also provides assistance to the [Central Vigilance Commission](#) and [Lokpal](#).
    - It is also the nodal police agency in India which coordinates investigations on behalf of [Interpol Member countries](#).
  - The CBI is **headed by a Director**.
  - The CBI has **jurisdiction** to investigate offences pertaining to 69 Central laws, 18 State Acts and 231 offences in the IPC.
- **Appointment of CBI Director:**
  - The Director of CBI as Inspector General of Police, [Delhi Special Police Establishment](#), is responsible for the administration of the organisation.
  - The **Lokpal and Lokayuktas Act (2013)** amended the **Delhi Special Police Establishment Act (1946)** and made the following changes with respect to appointment of the Director of CBI:
    - **Appointment Committee:** The Central Government shall appoint the Director of CBI on the recommendation of a **three-member committee** consisting of the **Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha** and the **Chief Justice of India or Judge of the Supreme Court (SC)** nominated by him.
  - The **Delhi Special Police Establishment (Amendment) Act, 2014** made a change in the composition of the committee related to the appointment of the Director of CBI.
    - It states that where there is no recognized leader of opposition in the Lok Sabha,

then the **leader of the single largest opposition party in the Lok Sabha** would be a member of that committee.

- **Tenure of Director:** The Director of CBI has been provided **security of two-year tenure** in office by the CVC Act, 2003.

▪ **SC Rulings Related to CBI Director:**

- The **six-month minimum residual tenure** rule was introduced by the Supreme Court in a **March 2019 order**.
  - **No officer with less than six months' tenure remaining can be considered** for the post of chief.
  - Though the order in the Prakash Singh case pertained to the appointment of DGPs, it was extended to CBI Director too.
- In the **Prakash Singh case**, 2006 the SC had stressed the point that appointment of DGPs “should be purely on the basis of merit and to insulate the office from all kinds of influences and pressures”.
- The **Director of CBI is to hold the post for not less than two years** as held by the **Vineet Narain judgment of 1998**.
  - He/she may not be transferred except with the previous consent of the high-level committee.
- The SC in **Union of India versus C. Dinakar, 2001** case has held that “ordinarily IPS officers of the senior most four batches in service on the date of retirement of CBI Director, irrespective of their empanelment, shall be eligible for consideration for appointment to the post of CBI Director”.

**Source: TH**

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