

Topic: Law and Process of Investigation by Central Bureau of Investigation in Administration of Criminal Justice- A Critical Analysis

Abstract

Investigation is the foundation of the Criminal Justice System. Investigation involves the ascertainment of facts and circumstances pertaining to an offence. Central Bureau of Investigation (CBI) is a premier investigation agency established by Central Government notification. Over the years, it has evolved as a specialized body handling complex and sensitive matters. However, the role and performance of the agency has come under scanner over allegations of bias, inaction and serious investigative lapses. The changing nature and sophistication of crimes has also posed a challenge in contemporary times. In this backdrop, the present study has analyzed two aspects: functional autonomy vis-à-vis the structure and organization of CBI and the role and performance of the agency over the years. For the purpose, both empirical and analytical methods have been adopted. The Major Findings of this Research Study are: i) CBI is an effective investigation body ii) It enjoys the trust and satisfaction of the community. However, there are certain inherent gaps: (iii) The DSPE Act, 1946 which is the governing legislation for CBI is an archaic and inadequate piece of legislation (ii) The CBI lacks functional autonomy in terms of appointment of officers, service matters including tenure of service, promotion, transfer, and control mechanism under Central Government and CVC. (iii) The provisions of Single directives and Sanction for Prosecution seriously impede the process of investigation and is used to shield dishonest and corrupt servants (iv) Cases are transferred to CBI after considerable lapse of time resulting in failure of prosecution case v) Time taken for investigation by CBI is well beyond the statutory limits vi) CBI has been found to underperform in matters of joint liability offences, like organized crimes and offences involving the political/mighty class.

Key Words: Crime, Investigation, Criminal Justice, Functional Autonomy, CBI, Performance .