**CBI Draft Bill 2010**

**Sections relevant to Privacy Regulation**

**1. Short title, extent, application and commencement –** (1) This

Act may be called the Central Bureau of Investigation Act, 2010.

(2) It extends to the whole of India and it applies also -

(a) to citizens of India outside India;

(b) to persons in the service of the Government wherever they

may be and

(c) to persons on ships and aircrafts registered in India,

wherever they may be.

(3) It shall come into force on such date as the Central Govt. may, by

notification in the Official Gazette, appoint.

**4. Superintendence and administration of the Bureau –** (1) The

superintendence of the Bureau in so far as it relates to investigation of

offences alleged to have been committed under the Prevention of Corruption

Act, 1988 (49 of 1988), shall vest in the Central Vigilance Commission.

(2) Save as otherwise provided in sub-section (1), the

superintendence of the said Bureau in all other matters shall vest in the

Central Government.

(3) The administration of the Bureau shall vest in the Director,

appointed in this behalf by the Central Government.

**5. Committee for appointment of Director –** (1) The Central

Government shall appoint the Director on the recommendation of the

Committee comprising of –

(a) the Central Vigilance Commissioner - Chairperson;

(b) Vigilance Commissioners – Members;

(c) Secretary to the Government of India in charge of the

Ministry of Home Affairs in the Central Government - Member;

(d) Secretary to the Government of India in charge of the

Ministry of Personnel - Member

(2) While making any recommendation under sub-section (1), the

Committee shall take into consideration the views of the outgoing Director.

(3) The Committee shall recommend a panel of officers –

(a) on the basis of seniority, integrity and experience in the

investigation of anti-corruption cases; and

(b) chosen from amongst belonging to the Indian Police

Service constituted under the All India Services Act, 1951 (61 of

1951), for being considered for appointment as the Director.

**7. Appointment for posts of Assistant Director and above,**

**extension and curtailment of their tenure, etc.** – (1) The Committee

referred to in section 5 shall, after consulting the Director, recommend officers

for appointment to the posts of the level of Assistant Director and above and

also recommend the extension or curtailment of the tenure of such officers in

the Bureau.

(2) On receipt of the recommendation under sub-section (1), the

Central Government shall pass such orders as it thinks fit to give effect to the

said recommendation.

**8. Investigation of Scheduled Offences –** (1) Notwithstanding

anything contained in any other law and subject to the general or specific

orders of the Central Government, the Bureau shall prevent, investigate and

prosecute the offences included in the Schedule I and such other offences as

notified in this behalf by the Central Government in the Official Gazette,

related to matters in the Union List of the 7th Schedule of the Constitution of

India.

(2) Notwithstanding anything contained in any other law and subject

to the general or specific orders of the Central Government, the Bureau shall

prevent, investigate and prosecute the offences included in the Schedule II

and such other offences as notified in this behalf by the Central Government

in the Official Gazette, related to matters in the Concurrent List of the 7th

Schedule of the Constitution of India, in the Union Territories of India.

(3) Notwithstanding anything contained in any other law, Central

Government may, by notification, authorize the officers of the Bureau to

undertake investigation of any scheduled offence under this Act in addition to

such other officers as may be specified in the law.

**11. Powers of officers of the Bureau -** An officer of the Bureau may

exercise the powers and discharge the duties conferred or imposed under this

Act on any other officer of the Bureau who is subordinate to him

**13. Modified application of certain provisions of the Code -**

Section 162 of the Code shall not apply in relation to an investigation

conducted by an officer of the Bureau. The statement made by any person to

an officer of the Bureau shall be reduced in writing and signatures or thumb

impressions, as the case may be, of the person making it shall be obtained by

the officer of the Bureau on such statement.

**14. Protection of action taken in good faith -** (1) No suit,

prosecution or other legal proceeding shall lie against any officer of the

Bureau or any other person exercising any power or performing any functions

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under this Act or the rules framed there under except with the previous

sanction of the Central Government.

(2) Notwithstanding the provisions in sub –section (1), no such

requests, as specified therein, shall be entertained by the Central

Government, after a period of two years to the alleged incident.

**15. Powers of State Governments not to be affected -** Nothing

contained in this Act, shall affect the powers of the State Governments to

investigate and prosecute any Scheduled Offence or other offences under any

law for the time being in force.

**16. Repeal and Savings -** (1) The Delhi Special Police

Establishment Act, 1946 (25 of 1946) is hereby repealed.

(2) Notwithstanding such repeal, but without prejudice to the

application of Section 6 of the General Clauses Act, 1897, anything done or

any action taken or purported to have been done or taken under or in

pursuance of the Act, such repeal shall, in so far as it is not inconsistent with

the provisions of this Act, shall be deemed to have been done or taken in

pursuance of the provision of the Act.

(3) Upon repeal of the said Act, all persons who were members of

the Delhi Special Police Establishment immediately before such repeal, shall

be deemed to be appointed as members of the Bureau.

(4) In the Central Vigilance Commission Act, 2003 (45 of 2003) –

(a) Section 2 (c) may be replaced as –

‘Central Bureau of Investigation’ means the Central Bureau of

Investigation constituted under sub-section (1) of section 3 of the Central

Bureau of Investigation Act, 2010;

(b) ‘Delhi Special Police Establishment’ shall be replaced by ‘Central

Bureau of Investigation’ wherever it occurs in section 8;

(c) Section 26 may be omitted as its provisions have been

incorporated in this Act.

(5) In the Prevention of Corruption Act, 1988 (48 of 1988), sub –

section (a) of section 17 may be replaced as – ‘in the case of the Central

Bureau of Investigation, of an Inspector Grade I & II’.