

Bill No. XLI of 2013

THE CONSTITUTION (AMENDMENT) BILL, 2013

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BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2013.

Short title and commencement.

(2) It shall come into force with immediate effect.

5 2. After PART XIV A of the Constitution, the following shall be inserted, namely:—

Insertion of new article 323C.

“PART XIV B

323C. (1) **There shall be a Central Bureau of Investigation for prevention, investigation and prosecution of such offences as Parliament may by law determine.**

Central Bureau of Investigation.

10 (2) **The Central Bureau of Investigation shall consist of a Director and such number of other officers with such qualifications, salaries and conditions as may be determined by Parliament by law.**

(3) The Director shall be appointed by the President on the recommendation of a Committee comprising:—

(a) the Chairman, Rajya Sabha,—*Chairperson*;

(b) the Leader of Opposition in Rajya Sabha,—*Member*;

(c) a sitting Judge of the Supreme Court to be nominated by the Chief Justice of India,—*Member*; 5

(d) the Central Vigilance Commissioner,—*Member*; and

(e) any one from amongst the retired Directors of the erstwhile Central Bureau of Investigation,—*Member*.

(4) The superintendence of the Central Bureau of Investigation shall be vested in the Committee appointed under clause (3)'. 10

STATEMENT OF OBJECTS AND REASONS

It is the voice of the common man, political parties as well as Hon'ble Supreme Court that, to liberate the Central Bureau of Investigation from extraneous consideration, political influence, intrusions and other interference, it should be independent, unbiased and free from any instruction from political executive. So, for that purpose it is necessary to give special Constitutional status to the Central Bureau of Investigation.

Successive Parliamentary Committees have recommended replacement of the Delhi Special Police Establishment Act by an independent Central Bureau of Investigation Act keeping in view the above constraints and the rising challenges. The Second Administrative Reforms Commission in its fifth report on Public Order in June 2007 recommended that a new law should be enacted to govern the working of the Central Bureau of Investigation. This law should also stipulate its jurisdiction including the power to investigate the new category of crimes.

The Bill seeks to provide an appropriate legal architecture and give statutory status to the Central Bureau of Investigation and to equip it with police power to prevent, investigate and prosecute serious crimes pertaining to the security of the country, corruption and other crimes having all India and inter-State ramifications in an independent and transparent manner.

The Bill seeks to achieve above objectives.

DILIPBHAI PANDYA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of the Central Bureau of Investigation with a Director and such other officers on such salaries and conditions as may be determined by Parliament. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum will be involved.

RAJYA SABHA

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(Shri Dilipbhai Pandya, M.P.)