

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 4013
(TO BE ANSWERED ON 17.07.2019)

LEGALITY OF CBI

4013. SHRI MANISH TEWARI:

Will the **PRIME MINISTER** be pleased to state:

- (a) whether the Government is aware that a Division Bench of the Guwahati High Court on 6th November 2013 declared the CBI to be an illegal organization and quashed the Resolution, dated 01.04.1963, whereby CBI was constituted and held that CBI is neither an organ nor a part of the DSPE and as such, it cannot be treated as a 'police force' constituted under the DSPE Act, 1946;
- (b) if so, the details thereof;
- (c) whether the Supreme Court stayed the said order on 9th November 2013 and the legality and constitutionality of the CBI hangs by the thread of a stay for the past five and a half years;
- (d) the steps taken by the Government to expedite the matter; and
- (e) whether the Government intends replacing the archaic DSPE Act, 1946 with a proper legal architecture for the CBI and bring it under proper Parliamentary oversight and if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) to (d): Central Government had filed a Special Leave Petition No. 34834 of 2013 before the Hon'ble Supreme Court against the judgement of the Hon'ble High Court of Guwahati dated 06.11.2013. The Hon'ble Supreme Court stayed the operation of the final judgement and impugned order dated 6th November, 2013, passed by the Guwahati High Court in Writ Appeal (C) No. 119 of 2008 in Writ Petition (Civil) No. 6877 of 2005.

(e): No, Sir.
