

## CHAPTER 24

### POLICY DIVISION

**24.1** The Policy Division is headed by Joint Director (Policy). It deals with all matters relating to policy, procedure, organization, vigilance & security in the CBI. Correspondence and liaison with Ministries, Publicity and implementation of special programmes for vigilance and anti corruption etc. are the responsibilities of this Division. Following are the details of the items of work handled by the Policy Division: –

#### **24.2 POLICY AND PROCEDURE**

- 24.2.1 Issuance of instructions/circulars on Policy matters
- 24.2.2 Reorganization of existing Zones and creation of new units and allotment of work between various Officers and various Zones, Regions, Branches as per requirement.
- 24.2.3 Coordinating replies to Parliament questions and assurances.
- 24.2.4 Attending to all matters pertaining to meetings of Parliamentary Standing Committees/Select Committees, including replies to observations and queries of the Committees.
- 24.2.5 Processing requests from Cabinet Secretariat, PMO, DoPT, MHA, various State Governments, as well as Central Ministries and PSUs for CBI investigation into various matters and correspondence thereof.
- 24.2.6 Liaison with Cabinet Secretariat, PMO, DoPT and MHA and other Ministries in regard to important cases/queries and correspondence of DCBI with these organizations.
- 24.2.7 Writ Petitions filed in Supreme Court/ High Courts of general nature which do not relate to specific cases for orders and related correspondence.
- 24.2.8 Working as Nodal Office for all matters pertaining to obtaining of sanctions for prosecution and related queries raised by CVC/Ministries/PSUs/Branches/Legal Division.
- 24.2.9 Preparation of Monthly Crime Reports and Annual Reports.
- 24.2.10 Monitoring of cases under investigation for more than one year and trial for more than 5 years.
- 24.2.11 Preparation of agenda, notes, minutes for meeting of DCBI with JDs, DIsG, SsP, Law Officers and follow-up action thereof. .
- 24.2.12 Compiling of information for Monthly Review Meetings of CVC. Preparation of folders for the meeting, compliance reports and other references from CVC.
- 24.2.13 Revision and updating of CBI Crime Manual.
- 24.2.14 Follow-up action and ensuring compliance of inspection notes of DCBI.
- 24.2.15 To process and obtain orders from DCBI for CBI Officers to deliver lectures and to assist DCBI in social and protocol-related matters, including sending of acceptance/regret letters.

## **24.3 Coordination of Vigilance and Anti-Corruption measures**

- 24.3.1 All work relating to the Annual Programme of Work.
- 24.3.2 Holding of interstate conferences relating to crime and Anti- Corruption work and follow-up action.
- 24.3.3 Preparation of appreciation reports regarding modes of corruption in Government Departments and Public Undertaking.
- 24.3.4 Preparation of Vigilance Scheme for eradication of corruption in Government Departments and public Sector undertakings.
- 24.3.5 Scrutiny of audit reports and Public Accounts Committee reports and follow-up action thereon.
- 24.3.6 Directives of Ministries and Vigilance matters of Central Civil Services (Conduct and Disciplinary) Rules and AIS (Conduct Rules);
- 24.3.7 Preparation of Agreed List of Officers in various Departments and Public Sector Undertakings.
- 24.3.8 Compilation and circulation of lists of Gazetted Officers of Doubtful Integrity (ODI) in respect of various Departments and Public Sector Undertakings.

## **24.4 Vigilance and Security in the CBI**

- 24.4.1 Monitoring of files relating to complaints and cases against CBI Officers/ officials.
- 24.4.2 Issuance of integrity certificate in respect of CBI personnel.
- 24.4.3 Preparation, maintenance and review of list of Officers of Doubtful Integrity (ODI) in respect of CBI.
- 24.4.4 Processing of Immovable Property Returns (IPR) under CCS (Conduct) and AIS (Conduct) Rules received from CBI Officers (Group 'B' and above) and all officials working in HO.
- 24.4.5 Processing of recommendations and convening meetings of the Internal Screening Committee for D.P. Kohli Award, CBI Gold Medal for Best Investigating and Prosecuting Officers and award of PPM/PM to CBI Officers.
- 24.4.6 Processing of CBI Clearance in respect of Officers from various State Police Organizations/CPOs etc. recommended for PPM/PM, Gallantry Awards, PM's Life Saving Awards and preparing folders for the MHA committee meetings.
- 24.4.7 Processing of CBI clearance, request from MHA for issue of Security clearance/NOCs for various companies/firms for operating domestic services etc.
- 24.4.8 Processing of CBI clearance for Officers being considered for appointment as CVOs in various Ministries/Departments/PSUs and Board level appointment in Banks and other senior appointments on references received from CVC and various Ministries/ Departments.
- 24.4.9 Preparation of periodical statistical returns regarding internal vigilance matters of CBI.
- 24.4.10 Monitoring and keeping watch over security arrangements for personnel, premises in CBI offices and units.

## **24.5 Submission of Periodic Reports/Statements**

24.5.1 Submission of periodic statements to CVC, Cabinet Secretariat, PMO, MHA and various Ministries/Departments as the case may be.

24.5.2 Returns regarding receipt and disposal of vigilance complaints/cases.

24.5.3 Preparation and circulation of Annual Report and such other returns/reports as may be prescribed.

## **24.6 AIsG-I & II to assist JD (Policy)**

24.6.1 Keeping in view the heavy workload in Policy Division, the duties and functions of Policy Division have been further distributed amongst two AIsG, i.e. AIG (Policy)-I and AIG (Policy)-II. AIG (Policy)-I will mainly assist JD (P) in all Policy matters, whereas AIG (Policy)-II will assist in performing all vigilance and security functions. The distribution of work and duties among these Officers will be made by JD (P) under guidance of DCBI.

24.6.2 Under the supervision and guidance of the Joint Director (Policy), the AIG-I and II will exercise supervision and control over all items of work of the Policy Division. They will be responsible for the efficient discharge of the functions and maintenance of discipline and integrity among the staff of Policy Division. In particular, their functions will be:

### **24.6.3 AIG-I**

- (i) Issue of instructions/circulars and policy matters of CBI.
- (ii) Matters relating to organizational set-up and jurisdiction of Central Bureau of Investigation.
- (iii) Matters relating to crimes and statistics and monitoring of progress of cases under investigation, trial etc.
- (iv) Matters relating to publications and revision of Central Bureau of Investigation (Crime) Manual.
- (v) Compilation and preparation of Monthly Crime Reports/Monthly Performance Reports/Annual Reports of Central Bureau of Investigation.
- (vi) Liaison with the Ministries, Cabinet Secretariat and CVC on behalf of Central Bureau of Investigation and submission of Monthly/Quarterly reports to them.
- (vi) Coordinating replies to Parliament Questions and Assurances.
- (vii) Processing requests from MHA, Cabinet Secretariat and State Governments, as well as Central Ministries and PSUs in the matter of taking up of cases by CBI.
- (viii) Monthly Crime Reports: The AIG, with the help of the OSD (Computer), will monitor the receipt of the MCR from the branches as also timely generation of computerized Monthly Crime Reports. He will also process the MCR to be sent to the Government.
- (ix) He will have all other periodical returns prepared through the Computer in consultation with OSD (Computer) and have them despatched to the concerned authorities. He will, in cases of each return/report, draw up

guidelines for the programmer and send them to the OSD (Computer) so that the returns are prepared according to requirements.

- (x) Preparation of agenda, notes, minutes of meetings of DCBI with JDs, DIsG SsP, Law Officers and follow up action.
- (xi) Preparation of appreciation reports, Agreed Lists of Officers of various Departments/PSUs.
- (xii) Monitoring Programme of work/Special Drive and other Anti-Corruption measures.
- (xiii) Processing the CBI clearance in respect of Officers of State Police/CPOs/CBI recommended for PM/PPM and others Gallantry awards.
- (xiv) Performing staff duties as assigned by JD (P)/DCBI.

#### **24.6.4 AIG-II**

- (i) Matters relating to internal vigilance of CBI, i.e. monitoring the progress of cases/complaints against CBI officials etc.
- (i) Preparation, review and circulation of lists of Officers of doubtful integrity of Central Bureau of Investigation.
- (ii) Processing and issue of integrity certificate/Vigilance clearance in respect of CBI officials/Officers.
- (iii) Processing and maintenance of IPRs under AIS and CCS Conduct Rules received from Central Bureau of Investigation Officers.
- (iv) Processing and issue of CBI clearance in respect of references received from CVC, Cabinet Secretariat, MHA etc.
- (v) Preparation of periodical statistical reports/returns of CVO, Central Bureau of Investigation.
- (vi) Special drive relating to internal vigilance matters.
- (vii) Matters relating to security of personnel, premises, records and information etc. of Central Bureau of Investigation including close monitoring and spot inspection in respect of security, access control etc.
- (viii) Performing staff duties to be assigned by JD (P)/DCBI.

#### **24.7 Duties of Joint Director (Policy)**

- 24.7.1 The Joint Director (Policy) will be in overall charge of the Policy Division. He will be assisted by the AlsG I & II (Policy), as detailed in the previous paragraph. In particular, his functions will be to supervise the work of Policy Division in all matters.
- 24.7.2 To screen all complaints received in the Personal Section of the DCBI.
- 24.7.3 To oversee the work of the Special Units, including decisions for registration and verification.
- 24.7.4 To deal with any other work entrusted by the DCBI.

## **24.8 Duties of Office Superintendent (P)**

The Office Superintendent (P) will be responsible for the work and efficiency of his Section. In particular, his functions will be:

- 24.8.1 To open and mark all Dak of Policy Division except that addressed by name to the Joint Director (P) or AIG (P). He should immediately bring to the notice of the AIG (P) and/ or JD (P) any letter of particular importance or interest.
- 24.8.2 To deal with all important references received from Ministries/ Departments relating to the Policy Division and to take necessary action to expedite matters and send replies.
- 24.8.3 To check and ensure the correctness, priority and quick despatch of all outgoing dak of Policy Division.
- 24.8.4 To ensure that timely reminders are issued to the concerned Officers.
- 24.8.5 To check all files and registers of the Policy Division every month and to ensure that they are up-to-date and properly maintained.
- 24.8.6 To deal with and to keep in his personal custody "Top Secret" papers and files made over to him.
- 24.8.7 To prepare notes or reviews on various matters whenever required to do so.
- 24.8.8 To check the attendance of the staff of the Policy Division and maintain the efficiency, speed and discipline of the staff.
- 24.8.9 To scrutinize and submit to the AIG (P) the weekly arrears list of Policy Division.
- 24.8.10 To ensure that all returns and statements are prepared correctly and submitted in proper time.
- 24.8.11 To do any other work entrusted to him by the Joint Director (P) or the AIG (Policy).

## **Public Information and Media Publicity to CBI Work**

**24.9** The CBI is not an open organization but at the same time, it is not a closed intelligence organization. It is accountable to the Government, the Courts, the Parliament, the CVC, the people and to the Press. The CBI maintains relations with the Press/Media by sharing information with it without compromising investigation and trial of cases. Therefore, information released to the Press/Media in respect of CBI cases has to be carefully vetted. It may be recognized that the Press/Media has a role to play in democracy. The people have a right to know about cases of public importance and the developments therein. But at the same time, premature publicity or publicity on matters under discreet enquiry or verification is undesirable and should be avoided.

## **Government Policy regarding Publicity in Vigilance Cases**

**24.10** The instructions of Government regarding publicity in vigilance cases are:

- 24.10.1 Where a case is registered or an arrest is made or a search is carried out and something substantial is found (this precaution is necessary ) there should be no objection to publicity being given of the rank of the person involved, the

Department to which he belongs and the nature of the allegations, but no names need be given.

- 24.10.2 When a case is taken to a Court against an Officer, publicity may be given, as soon as the case is put up in the Court regarding the nature of the offences and the designation of the Officer. The name of the Officer should not be published.
- 24.10.3 In case in which Officers are prosecuted in a Court of Law and convicted, the main facts and relevant details of the case should be given as also the name and designation of the Officer and the sentence awarded.
- 24.10.4 In cases which are not taken to a Court but in which only Departmental Action is taken, no publicity should be given till the conclusion of such proceedings.
- 24.10.5 In disciplinary cases not ending in a major punishment, publicity may be given regarding the designation of the Officer, details of the case and the punishment awarded to him. In no case should the name of the Officer be published.
- 24.10.6 In disciplinary cases ending in major punishment, the name, designation, Department and all other particulars should be published. However, no publicity should be given to name of the Officer reduced in a rank as the person concerned will be still in service.
- 24.10.7 Publicity in respect of persons convicted or on whom a major punishment is inflicted should be done periodically over the radio, TV, and in the Press, even by way of paid advertisement, under caption "Do you know"? "Corruption does not pay" etc.

#### **Activities of CBI for which Publicity may be given**

**24.11** Publicity through Press communiqués can be made on the following occasions:–

- 24.11.1 Successful search or laying of a Trap/ Registration of cases/PEs, arrests of wanted criminals, successful seizures etc.
- 24.11.2 Actual filing of a charge sheet in a Court.
- 24.11.3 Conviction in a Court of Law especially in cases in which substantial sentences of imprisonment or heavy fines have been imposed.
- 24.11.4 Departmental punishment – Cases in which orders for dismissal or removal from service have been passed as a result of disciplinary proceedings.
- 24.11.5 Press communiqué can also be issued when a case is sent for Departmental Action.

#### **24.12** *Nota bene*

- 24.12.1 Minor cases: Information about cases against junior officials in which the sentence awarded by the Court is light should not normally be released to the Press/Media.
- 24.12.2 It should be borne in mind that substantial punishments secured in case of bribery and corruption either from the Court or through Departmental Action have greater news value than cases of mere misconduct and irregularities.

#### **24.13 Officers authorized to issue Press Communiqués**

- 24.13.1 Superintendents of Police of the Branches located outside New Delhi are authorized to issue material to the Press for publication in cases of purely local

interest. Whenever any such good case is registered or a trap is laid, charge-sheet is filed or conviction is secured, it should be released to the Press the same day. A copy of such release should be sent to the Deputy Principal Information Officer at the Headquarters the same day. The SsP are not authorized to call Press Conferences. The publicity is to be done only by sending Press releases to the Offices of Newspapers/ Agencies. In a place where Press Information Bureau (PIB) Office is situated the Press release shall be issued through PIB only. The material shall be released with the prior knowledge of DIG concerned. As for the cases which are sensitive and require State-level or all-India publicity, SsP/DIG located outside Delhi are also not authorized to issue material to the Press directly. It should be informed to the DPIO who will arrange publicity from the Headquarters.

24.13.2 Superintendent of Police of the Branches located at New Delhi are not authorized to issue any material to the Press directly. They can do so only through the Deputy Principal Information Officer located at the Headquarters. They should remain in constant touch with the DPIO at the Headquarters and provide him with all the information pertaining to the registration of cases, searches made, traps laid and charge-sheets filed. The DPIO would release the information to the Press/Media on a daily basis in the form of a Press release or in a Press briefing at the Headquarters depending on the interest which such News generates in the Media and in the Public. The conviction secured in cases should also be adequately highlighted. For this full details should be communicated immediately after the judgement to the DPIO at the Headquarters.

**24.14** Press communiqués will be issued by the Head Office through the Deputy Principal Information Officer of the CBI in respect of cases dealt with by the Central Units/Branches located at Delhi as well as in respect of important cases of non-Central Branches requiring all India publicity.

**24.15** The following Instructions should be adhered to in regard to contact with the Press/Media and Publicity from the Head Office of the CBI:—

24.15.1 The Deputy Principal Information Officer at the Headquarters is the authorized Spokesperson of the CBI. He will brief the Press/Media in respect of cases and other miscellaneous matters, whenever necessary, with the approval of JD (P) and/or DCBI. He will do so in consultation with the JDs concerned.

24.15.2 Interviews to the Press/Media can be given only by the DCBI/SDCBI/ADCBI. If any Joint Director is approved for an interview, he shall first obtain clearance from the Additional Director/Director. The DIG, SP or any other Officer below is not authorized to give any interview to the Press/Media.

24.15.3 For general publicity, the DPIO will collect material and issue periodical handouts.

24.15.4 The DPIO should also be kept informed of routine progress in important matters and cases through the JDs concerned.

24.15.5 If any important development takes place in any case which is likely to generate interest in the Press/media and the public, the DPIO should be informed immediately.

#### **24.16 Guidelines for Publicity**

24.16.1 Publicity, in order to be effective, must be done promptly. For this purpose, in cases which are being prosecuted in Courts, as soon as the case is fixed for judgement, full details of the case should be communicated by the SP concerned to the DPIO at the Headquarters so that the latter would be in readiness to project its interesting features if the case should result in conviction. As soon as the judgement is delivered, the SP should arrange that the details are communicated

by telephone/telex/fax to the DPIO at the Headquarters. Similarly, where Departmental proceedings result in dismissal, removal or compulsory retirement of an Officer, the Branch Office concerned should also arrange to pass on the material promptly, i.e. as soon as it comes to their hands, to the DPIO for publicity. The purpose of publicity is to publicize malpractices and the manner in which the offenders were brought to book by the CBI. Therefore, in most of the Press Notes, some information has to be given as to how the offence came to notice, how the investigation was taken up by the CBI and the number of witnesses and documents examined by the CBI.

24.16.2 Cases of the CBI requiring publicity can be divided broadly into two categories as follows:

- (i) Cases of local news value and
- (ii) Cases of all India interest.

**24.17** So far as cases of local interest are concerned, the SP of the Branch may directly release the material for publication to the Press/media if no office of PIB is situated in the city. This should be done with the prior approval of DIG. In important matters, JDs should also be informed. If an office of PIB is situated in that city it can be done only through the PIB office.

**24.18** As regards cases of all-India interest, they may be passed on to the DPIO, CBI at New Delhi by the quickest means. He will arrange wide publicity of such cases. In convictions, draft Press communiqués may also be sent to the DPIO, CBI, New Delhi, for vetting and releasing to the Press as soon as the result of the case is known in the Courts.

**24.19** Publicity about the CBI and its work may be done by means of feature articles in magazines and newspapers. Similarly, Radio and TV features giving the functions and scope of the CBI, mentioning some important cases of interest and the results achieved can be given. These articles/ features should be prepared and released by the DPIO, CBI or the Press Information Bureau but the material for preparing such articles has to be furnished by the SP incharge of the concerned Branch after getting it cleared from the Head Office.

**24.20** Instructions have been issued by the Press Information Bureau, Government of India, New Delhi, to its Regional Officers to release for publication the material received from the CBI Branches in English and other regional languages.

**24.21** The DPIO, CBI, should also be provided with prompt information of searches and seizures made in important cases, provided the SP feels that it will not prejudice the investigation of the case. Such information may be furnished at the earliest opportunity.

**24.22** A full and good newspaper draft release should be sent to the Head Office well in advance, i.e. at least a week ahead of the date of probable conviction, followed by information about conviction by the quickest means so that the Press release is made on all India basis on the same day. In some cases, where local release is arranged, the need for all India coverage may also exist.

**24.23** Branches should keep notes of cases of punishments which initially received publicity for taking steps to communicate the results in appeal to the DPIO, New Delhi, or the Regional PIB, as the case may be.

**24.24** Before giving publicity to the reversal of the conviction/punishment by the Appellate Authority it may be examined in each case whether:

24.24.1 The acquittal in appeal has been published in the local or the \_\_\_\_\_ area Press.

24.24.2 The CBI considers it a fit case for going in further appeal.

24.24.3 If either of the two factors noted above exist in a particular case, it would not be necessary to give publicity to the reversal of conviction/punishment in that case.

## **Publicity in respect of cases against Defence Personnel**

**24.25** Court Martial cases should be treated as akin to Departmental Action cases for the purpose of publicity. While reporting the results of the cases decided by a Court Martial, the following instructions may be adhered to strictly:-

- 24.25.1 Prior clearance of the Ministry of Defence should not be necessary in every case, but it is open to the Ministry of Defence to bring to the notice of the CBI, when a case is in progress that publicity should not be given without prior clearance from the Ministry.
- 24.25.2 No publicity should be given to the Court Martial cases of the Defence Ministry till the sentences are confirmed by the appropriate authority.
- 24.25.3 No publicity should be given to the name of the Officer reduced in rank, as the person concerned will be still in service, but other particulars may be published in such cases.

## **Form of Press Communiqué**

**24.26** The Press communiqué should begin by giving the name of the accused (where permissible), his designation, the sentence or punishment awarded to him and thereafter, the charges proved should be mentioned. Any other points of interest might later be mentioned. e.g. heavy amount involved in an embezzlement, heavy amount taken as bribe, value of goods and property found. In all old cases, in the Press release the various tactics adopted by the accused to delay the trial should be mentioned. While highlighting these tactics, care should be taken to mention only those Petitions and Writs, which were ultimately rejected by the Court. The Press communiqué should end by saying that the case was investigated by the (Name of the Branch), Central Bureau of Investigation, Government of India.

**24.27** Press communiqué to be issued by Branches should be prepared carefully in accordance with the above instructions. A copy of the communiqué that is issued directly by the outstation SP or through PIB should also be endorsed to the DPIO, Head Office, for information. While reporting every disposal in Court or in Departmental enquiry to Head Office in prescribed Forms, the SP should add a paragraph at the end indicating whether the disposal has been intimated to the DPIO/ Regional PIB office or it is considered to be not of sufficient news value for such intimation. Where intimation has been given to the DPIO/PIB, a copy of the note of intimation should be attached to the report to the Head Office. This is to ensure that H.O. is assured that, in every case where disposal should be intimated to the DPIO, action for the same has been taken.

## **Rejoinders and Clarification**

**24.28** Whenever any News item/Media report is published in any local, regional or national Newspaper or news channel which gives a distorted version of the CBI cases and brings out facts falsely and mischievously, immediate corrective action should be taken and necessary rejoinders and clarification should be issued. In case of News items of purely local interest outside New Delhi, it must be done at the Branch level by the SP concerned with the prior approval of DIG/JD. DPIO should always be informed of such news items immediately and a copy be sent to him by quickest means. At the National level it should be done by the DPIO with the approval of JD (P), DCBI.

## **Complaints to Press Council of India**

**24.29** If any News items/media report appears in Press which gives a distorted version and mischievously and falsely tries to show a bad image of the CBI, immediate corrective action should be taken by issuing rejoinder/ clarification/ contradiction. If such rejoinder is not published by the Newspaper concerned in time, the matter should be brought to the notice of Press Council of India in the form of complaint under Press Council Rules. The complaints will be filed and pursued by the DPIO at the Headquarters. He may take assistance of Legal Division in this regard.

## **Advertisements about Announcement of Rewards and Information about Accused and Missing Persons**

**24.30** The DPIO at the Headquarters deals with the publication of announcement of rewards and solicits information about absconding accused and missing persons in all CBI cases, wherever necessary. This is done through Directorate of Advertising and Visual Publicity, Government of India, New Delhi. All such requests from the Branch SsP come to the DPIO. The Branch SsP shall send such requests to the DPIO who will arrange publication in the Newspaper/TV/Magazines through DAVP. The expenditure will be borne by the Headquarters under Major Head 2055-Police, 00.101-Crl. Inv. & Vig., 01-CBI, 01, 00.16-Publication. Similar publicity may be given through CBI website and other forms of electronic media where necessary.

**24.31** No unauthorized Officer shall speak to the Media in any circumstances. If any query comes from the Press/Media to any Officer associated with the investigation, it should be directed to the DPIO and the DPIO be informed about it.

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