

CHAPTER 7

FUNCTIONING OF INVESTIGATING BRANCHES/UNITS

7.1 The major fieldwork of CBI is done by its Branches/Units, which are headed by the Sr. SP/SP. These branches are located all over India with their respective territorial jurisdictions. Whereas the Central Units, having functional specialization and created for intensive investigation of the important cases are located at New Delhi and have all-India jurisdiction.

FUNCTIONING OF BRANCHES

7.2 Each Branch is required to have the following four separate sections under overall control of the Sr. SP/SP of the Branch:—

7.3 Confidential Section

- 7.3.1 This Section is headed by Senior Clerk Steno working as personal assistant to the Sr. SP/SP and deals with all sensitive matters like Complaints/Source Information Reports, Annual Confidential Reports, all secret operations of the Branch including maintenance of accounts of expenses on such operations etc. This section works directly under the control of the Head of the Branch and is generally not accessible to others without prior permission of the Branch Sr. SP/SP
- 7.3.2 The files and records maintained in this section are generally of confidential nature and, therefore, these are not allowed to be taken out of the this section without prior permission of the Sr.SP/SP of the Branch. The closed files may, however, be kept in a sealed packet and transferred to the record room of the Branch, if these are no longer required, after taking necessary permission from the Branch SP.

Crime Investigation Section

7.4 This Section is headed by a Crime Assistant/ Head Clerk selected by the Branch SP. He will be assisted by a reasonable number of ministerial and other personnel who will work directly under his control. This Section will be responsible for performing the following duties:—

- 7.4.1 Maintenance of all Files/Registers pertaining to the cases under investigation in the Branch and attending to all Parliament Questions and V.I.P references. Submission of Progress, Reports, weekly diaries and monitoring of all instructions issued to the Investigating Officers and their replies. Transfer of the closed files to record room after these are no longer required.
- 7.4.2 Ensuring deposit of all case properties in the Malkhana soon after their seizure by the Investigating Officers and their final disposal in respect of the cases which have not been sent up for trial.
- 7.4.3 Maintenance and submission of Case Diaries of under investigation cases and transferring the same to the Prosecution and Pairvi Section as soon as charge-sheet is filed in the case.
- 7.4.4 Entering and maintaining data relating to the under investigation cases and ensuring its integrity.
- 7.4.5 Organizing the monthly crime meetings of the Branch. Preparation of minutes and ensuring follow-up actions thereon.
- 7.4.6 Attending to any other matter relating to the investigation/enquiries of cases as directed by the Branch SP from time to time.

7.5 Prosecution and Pairvi Section

7.5.1 The Prosecution and Pairvi Section will be headed by an officer of the rank of Sub-Inspector assisted by at least one A.S.I, one Head Constable, one or two constables/Naib Courts, one UDC/LDC, one SCS and the Pairvi Officers. The strength of this section may be increased/decreased depending upon the volume of work and availability of manpower/ financial resources.

7.5.2 *Functions and Duties of this Section*

- (i) As soon as a charge-sheet is filed in a Court of Law, the Investigation Crime Section/I.O. will hand over a copy of the charge-sheet, relied-upon documents/statements etc. and the original case diary file to the incharge of the Prosecution and Pairvi Section.
- (ii) It shall be the duty of the incharge of this Section to obtain orders of the Branch SP/Sr.PP as to the name of the Pairvi Officer/Prosecutor assigned to the case.
- (iii) Thereafter, it will be the responsibility and duty of the incharge of this Section to ensure that the details of the case are filled up in the CRIMES Module of the computer under the supervision/guidance of the Sr.PP/Law Officer assigned to the case.

Explanation—After the Final Report/charge-sheet has been filed in the Court, neither the CD file nor any other documents should be retained by the I.O. in his personal custody. In case the relied-upon documents are not deposited in the Court the same shall be deposited in the Malkhana.

- (iv) This Section will maintain a Temporary Issue Register (just like it is maintained in the Malkhana) and whenever any documents are required for the purpose of pairvi it shall issue copies of documents/statements/case diaries to the nominated Pairvi Officers after obtaining acknowledgment from the Pairvi Officer in the Temporary Issue Register. The Pairvi Officer should return all such documents/statements/CDs back to this Section as soon as the Court hearing is over. In no case shall any temporary issue exceed 15 days.
- (v) The Incharge of this Section will interact on a daily basis with the Sr. PP/SP and the Law Officers/Pairvi Officers/IOs concerned and remind them about the cases posted for day-to-day hearings.
- (vi) The Incharge of this Section will interact with the special counsels/retainer counsels regularly and assist them in handling legal matters concerning the Branch, including filing of appeals/ revisions and cases in Court.
- (vii) The Incharge of this Section will be responsible for assisting the law officers to obtain the summons and warrants issued by the Courts and also keeping proper records of the same in the summon/warrant registers and return the same to the Courts through the Law Officers after service/execution. He will prepare monthly charts of summons/warrants served/executed and point out reasons for non-service of summons/execution of warrants and submit reports to the Sr. PP/SP.
- (viii) This Section will assist the concerned Law Officers to scrutinize the evidence/list of witnesses/documents cited in each case with a view to examine if the number of prosecution witnesses/ documents can be reduced without affecting the trial of the case.
- (ix) This Section will assist the Law Officers and IOs to brief the witnesses before their appearance in Courts. This section will also assist the Law Officers/special/retainer counsels in preparing the final arguments and other petitions for filing replies in the Courts.

- (x) This Section will closely interact with Malkhana incharge to ensure that documents/exhibits are taken out/deposited in proper time for production in Court. After the disposal of the case, this section will ensure the return/disposal of case properties lying with the Courts.
- (xi) The Court Diaries on receipt from the Law Officers/special counsels, and reports of Pairvi Officers will be handled by this section and put up to the Sr. PP/Branch SP/DLA/DIG etc. as required. For this purpose the CRIMES Module will be utilized so that the Court Diaries can be written, communicated and maintained in the electronic form.
- (xii) This Section shall be responsible for maintenance of records/returns/correspondence and all other matters related to the cases once the charge-sheet/ final reports is filed in the Court under Section 173 of Cr.P.C. including closure reports, back references, etc.
- (xiii) It will be the duty of this section to assist the Law Officers in filling up the data in the computer module regarding monitoring of important cases under trial as per Policy Division Circular No. 5/2004. Similarly, the data regarding cases being disposed of every month from the Courts ending in conviction/acquittal/discharge/strictures against CBI Officers will also be prepared by this section under the guidance/supervision of the concerned Law Officers.

Administration and Accounts Section

7.6 This Section will be headed by the Head Clerk of the Branch, who will be assisted by a reasonable number of ministerial staff, Duty Officers and motorcycle riders etc., as may be considered necessary by the Branch SP. This section will be required to perform the following duties:—

- 7.6.1 Handling of all accounts and establishment matters of the Branch, including passing of the bills in a reasonable time schedule which may be fixed with the approval of the Branch SP. Preparation of budgets, expenditure statements and vacancy statements etc, and their timely despatch to the concerned authorities. Attending to audit observations and reconciliation of accounts with the P&AO, CBI and maintenance of proper records in respect of the same.
- 7.6.2 Maintenance of a proper record room. Inventory and auction of condemned/ dead stock as per rules. Cleanliness of the office and other working facilities of the Branch. Deployment of Duty Officers (who would not be below the rank of Head Constable) .
- 7.6.3 Maintenance of a General Diary in the prescribed proforma. The General Diary must contain the following entries, besides all other important developments in the Branch:
 - (i) The handing and taking over of charge by the officer maintaining the Diary (i.e. the Relieving and the Relieved Officer).
 - (ii) The substance in brief of cognizable and non-cognizable cases taken up for investigation by the Branch soon after registration of the FIR and Preliminary Enquiry.
 - (iii) Despatch of officers for conducting searches.
 - (iv) Seizure of property *suomotu* or under Section 93 Cr.P.C. and its disposal.
 - (v) Effecting of arrests with or without warrants and the disposal of the arrested persons.
 - (vi) Confinement of the arrested persons in lock-up of the Branch.

- (vii) Receipt and execution of the orders under Sections 154, 155, 156 and 159 Cr.P.C. and Section 17 of P.C. Act, 1988.
- (viii) Initial opening and final closing of Malkhana for the day.
- (ix) Performance of other departmental duties by the Branch like assistance afforded to another Branch or some other Police agency etc.

7.6.4 The General Diary should not be removed from the Branch and will be made available to the officers of the Branch to record reports in respect of the matters mentioned above. The General Diary will be written in duplicate and the carbon copy of the entries recorded on a particular day will be submitted by the Duty Officer before the Head of the Branch the following morning for his information and necessary action.

7.6.5 The Duty Officer will be responsible for getting the tour programme of the Branch Officers approved by the appropriate authorities and for making arrangements for their reservation etc. with utmost promptness and will provide necessary assistance of vehicle and manpower. Maintenance and proper accounting of the Railway Warrants and Air Vouchers etc. and their issue to the authorized officers. Service of summons/notices and execution of the arrest warrants with the help of executive staff. Proper maintenance of the summons and warrants Registers. Proper upkeep of the office and all facilities available in the Branch like the Vehicles etc. and to make them available to the authorized officers with a view to ensure efficient functioning of the Branch.

7.6.5 The Administration Section including the duty officer will also attend to all other functional requirements of the Branch and carry out all duties and directions issued by the Branch SP from time to time.

FUNCTIONING OF CENTRAL UNITS

7.7 Since the Central Units are wholly required to concentrate on the important investigations, they function as investigation Units under close supervision of the DIG incharge of respective Regions.

7.8 The Administration, Accounts, Malkhana, Crime Investigation, Prosecution & Pairvi Section of these Units is, therefore, maintained Region wise instead of branch-wise. A Sr. SP/SP incharge of one of the Units of the Region may be entrusted by the DIG, to look after the sections of the Region.

7.9 Duties/responsibilities of the Sr. SP/SP

7.9.1 Each Branch/ Unit is under the charge of a Sr. Superintendent of Police or Superintendent of Police who is responsible for its work, administration, welfare of the staff and discipline.

7.9.2 The Sr. SP/SP is required to supervise the work of all sections of his office and to control and guide enquiries and investigation. He has to keep in touch with the progress of cases in Courts and in departmental proceedings. He has to see that the staff under him perform their duties efficiently and honestly.

7.9.3 The Sr. Superintendent of Police/ Superintendent of Police will keep in touch with the Heads of Central Government Departments and offices within his jurisdiction. He will also maintain close liaison with the local Police.

7.9.4 With a view to have effective control over the working of the Branch, the Sr. SP/SP will ensure that periodical inspections are carried out of all sections regularly and thoroughly. All sections will be inspected twice in a year by the Branch SP with

reasonable gap between the inspections. Where two SsP are posted in a Branch the 1st inspection of these sections may be done by SP-II in the 1st half of the Calendar Year, while SP-I will carry out inspection in the 2nd half of the year.

- 7.9.5 In Branches with heavy workload there may be more than one Supdts. of Police/Sr. Superintendent of Police depending upon their utility in the interest of overall functioning of the Branch. In these Branches, the Sr. Superintendent of Police will be overall incharge of the Branch and the responsibility for its efficient functioning will rest with him. In Branches where there are two Superintendents of Police, the senior one out of them will be designated as SP-I and the other one as SP-II.
- 7.9.6 The Sr. SP/SP-I will supervise all administrative matters and the investigation of all important cases of the Branch. He may, however, distribute some workload to the SP-II with a view to ensure close supervision of the entire working of the Branch, like supervision of investigation/enquiries of some RCs and PEs, maintenance of Crime Digest of cases, verification of source informations and complaints, personally enquiring into some cases, inspection of Malkhana, drawal and disbursal of pay and allowances, checking of Cash Book and connected registers, routine correspondence and administrative work, as may be considered necessary by him.
- 7.9.7 The overall responsibility of cash transaction in the Branch and maintenance of the Cash Book will be of Sr. SP/SP-I. For this purpose the Sr.SP/SP-I may appoint a Drawing and Disbursing Officer as per the GFR/SFR who shall personally peruse the Cash Book on day to day basis. The Sr. SP or SP-I will personally peruse the cash book once a month and ensure that the cash account is correct and the cash book is being maintained properly.
- 7.9.8 Sanctions for incurring expenditure in the Branch shall be issued by Sr. SP or SP-I. as the case may be.
- 7.9.9 All important correspondence relating to policy matters with the Head Office will be signed by Sr. SP/SP-I when he is in Hqrs. During his absence, however, the Superintendent of Police-II may sign such correspondence when instructed to do so.

Addl. Superintendents of Police

7.10 The Addl. SP will investigate/ enquire into the cases which are allotted to him. His services will also be available to the Superintendent of Police for supervising investigation of some cases as and when necessary. If there are two or more Addl. Superintendents of Police in a Branch, one of them may be designated as Addl. Superintendent of Police (Hqrs). The senior most Addl. Superintendent of Police in a Branch will also hold charge of the Branch in the absence of the Sr. Superintendent of Police or the Superintendent of Police.

Dy. Superintendent of Police

7.11 The Deputy Superintendent of Police will investigate/enquire into the cases which are allotted to him. In Branches where there is no Additional SP, one of the Deputy Superintendents of Police will assist the Superintendent of Police in supervision of the work relating to administration, establishment/ accounts. In this respect he will perform such functions and duties as are allotted to him by the Superintendent of Police. He may be designated Dy.SP (Hqrs) and will hold charge of the Branch in the absence of the SP from the Headquarters.

Prosecution Staff

7.12 Each Branch/ Unit is provided with one or more officers of the rank of Sr.Public Prosecutor, Public Prosecutor and Assistant Public Prosecutor to look after legal matters, prosecution and trial of cases in Courts etc.

Senior Public Prosecutor

7.13 The Sr. Public Prosecutor will be responsible for the efficient working of prosecution and Pairvi section of the Branch /Unit and of all the Public Prosecutors and Assistant Public Prosecutors working under him in the Branch. The Sr. PP will be responsible for carrying out the following duties:-

- 7.13.1 He will ensure that the records relating to his section are correctly and properly maintained and that statements, returns and reports are submitted in proper time and without delay.
- 7.13.2 He will be available to discuss the cases with the investigating officers and to give them guidance and advice on legal points arising during the course of investigation and will offer his legal comment on Final Reports, scrutinize the charge sheets to be filed in Courts and prepare draft sanction orders for prosecution.
- 7.13.3 He will ensure that the statements of witnesses and copies of documents, as necessary under the law, are supplied to the accused persons in good time by the Branches concerned.
- 7.13.4 He will ensure that warrants are obtained for the arrest of absconding accused persons and that necessary action is taken under section 82 and 83 Cr.P.C against them.
- 7.13.5 He will ensure that summons to witnesses are issued from Courts in proper time.
- 7.13.6 He will conduct prosecution of all important cases in the Court and will submit Court Diaries in respect of them.
- 7.13.7 He will keep an eye on the conduct of prosecution by the Public Prosecutors/Assistant Public Prosecutors of the Branch and give them necessary help, guidance and advice.
- 7.13.8 He will prepare and forward conviction, acquittal and discharge reports in the prescribed form of the cases under his charge and will ensure that comments on acquittal and discharge reports of cases conducted by his PPs/APPs are put up in the prescribed proforma.
- 7.13.9 He will take steps to obtain certified copies of the judgements, as may be necessary, without delay. In cases in which appeals or revisions are recommended, the Senior Public Prosecutor will prepare a self-contained note giving briefly the facts of the case, the reasons for acquittal or discharge and the grounds on which appeal or revision is considered necessary;
- 7.13.10 He will ensure that the Government Counsel or Special Counsel engaged in CBI Cases are fully and properly briefed by the IOs/Pairvi Officer and Prosecutors concerned.
- 7.13.11 He will arrange to keep in touch with the progress of CBI cases coming up in the High Courts and Supreme Court.
- 7.13.12 In cases which are to be sent up for Regular Departmental Action he will be responsible for preparation of draft charges, statement of imputations and list of witnesses and list of relied upon documents.
- 7.13.13 In cases which are to be sent up for Court-trial, he will record detailed notes in the prescribed register regarding disposal of case property. He will ensure that the orders from Courts are obtained, about disposal of the case properties as soon as possible.
- 7.13.14 He will keep the Sr. Superintendent of Police/Superintendent of Police informed of all important matters concerning the work of his section or concerning the proceedings in Courts or in Departmental Action/ Enquiries.
- 7.13.15 He will participate in the joint coordination meetings which are held at the Branch and Regional level to discuss progress in the trial of the pending Court cases and

will prepare the minutes of the meeting and forward the same to the Branch SP/Regional DIG/ DLA for their information and guidance.

- 7.13.16 He will carry out detailed inspection of Malkhana, every three months and ensure timely disposal of case properties.

Public Prosecutors & Assistant Public Prosecutors

7.14 The Public Prosecutors and Assistant Public Prosecutors will perform all such duties which are allotted to them by the Sr. Public Prosecutor in consultation with the Sr. Superintendent of Police/ Superintendent of Police of the Branch. They will conduct prosecution of the cases in Courts which are allotted to them by the Sr. PP. They will submit Court diaries about their cases and keep the Sr. Public Prosecutor and the Sr. Superintendent of Police/Superintendent of Police informed of all developments in the cases under their charge. In respect of the cases entrusted to them they will carry out all functions which have been mentioned above in respect of the Senior Public Prosecutor.

7.15 Public Prosecutors and Assistant Public Prosecutors will ensure maintenance of the records and registers and prepare such statements, returns and reports as may be directed by the Sr. Public Prosecutor or by the Sr. Superintendent of Police/Superintendent of Police. They will give comments on Final Reports in those cases which are marked to them. They will also perform such other duties as may be allotted to them by Sr. PP or the Sr. SP/ SP of the Branch from time to time.

Inspectors and Sub-Inspectors

7.16 The main function of Inspectors and Sub-Inspectors posted in the Branches/Units is to make enquiries and investigations and to gather information. They will enquire into or investigate the cases which are allotted to them. It is also their duty to look after their cases in Courts during trial or during the disciplinary proceedings which are initiated on the recommendations of CBI.

Head Clerk-cum-Accountant

7.17 In every Branch there will be a Head clerk-Cum-Accountant who will be overall incharge of the staff of Administration and Accounts Section of the Branch/Unit. The Head Clerk-cum-Accountant will be responsible for efficient working of the ministerial staff posted under him. In his capacity as an Accountant, the Head Clerk will keep a check over all accounts work and personally attend to such matters as may be necessary or as may be laid down by rules or orders. The Head Clerk-cum-Accountant will have to deposit a security of Rs. 8000/- whenever the job of handling cash is entrusted to him.

7.18 Assistant Sub-Inspectors, Head Constables and Constables: They shall perform all duties which are assigned to them by Sr. SP/SP or other superior officers in the interest of efficient functioning of the CBI. They should take pride that they are the members of CBI and must bring credit to the department, by their bearing and behaviour whether on duty or while on leave etc.
