

General Consent to the Central Bureau of Investigation (CBI)

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About Central Bureau of Investigation (CBI):

Why is the consent of states needed?

- CBI is governed by The Delhi Special Police Establishment (DSPE) Act, 1946, and it must mandatorily obtain the consent of the state government concerned before beginning to investigate a crime in a state.
- Section 6 of The DSPE Act ("Consent of State Government to exercise of powers and jurisdiction") says: "Nothing contained in section 5 (titled "Extension of powers and jurisdiction of special police establishment to other areas") shall be deemed to enable any member of the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in a State, not being a Union territory or railway area, without the consent of the Government of that State".
- The CBI's position is in this respect different from that of the National Investigation Agency (NIA), which is governed by The NIA Act, 2008, and has jurisdiction all over the country.

What is the general consent for CBI?

- The consent of the state government to CBI can be either case-specific or “general”.
- General consent is normally given by states to help the CBI in the seamless investigation of cases of corruption against central government employees in their states.
- This is essentially consent by default, which means CBI may begin investigations taking consent as having been already given.
- In the absence of general consent, CBI would have to apply to the state government for its consent in every individual case, and before taking even small actions.

Source : Indian Express

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