



States Deny Consent to CBI

The Andhra Pradesh and West Bengal governments withdrew “general consent” to the Central Bureau of Investigation (CBI) for investigating cases in their respective states.

- In Past several states have withdrawn consent like Sikkim, Nagaland, Chhattisgarh and Karnataka.

General Consent

- Unlike the National Investigation Agency (NIA), which is governed by its own **NIA Act, 2008** and has jurisdiction across the country, the CBI is governed by the **Delhi Special Police Establishment Act, 1946** (DSPE Act, 1946) that makes consent of a state government mandatory for conducting investigation in that state.
- There are two kinds of **consent: case-specific and general**. Given that the CBI has jurisdiction only over central government departments and employees, it can investigate a case involving state government employees or a violent crime in a given state only after that state government gives its consent. **Section 6 of the DSPE Act, 1946** empowers the state government to give or deny consent to CBI officer to investigate the matter within the state.
- “General consent” is normally given to help the CBI seamlessly conduct its investigation into cases of corruption against central government employees in the concerned state. Almost all states have given such consent.

Impact of Withdrawal of General Consent

- It means the CBI will not be able to register any fresh case involving a central government official or a private person stationed in these two states without getting case-specific consent.
- Withdrawal of consent will only bar the CBI from registering a case within the jurisdiction of Andhra and Bengal. The CBI could still file cases in Delhi and continue to probe people inside the two states.
- Cases registered anywhere else in the country, but involving people stationed in Andhra Pradesh and West Bengal, would allow CBI’s jurisdiction to extend to these states.
- In simple terms withdrawal of consent simply means that CBI officers will lose all powers of a police officer as soon as they enter the state unless the state government has allowed them.
- It will have no impact on investigation of cases already registered with CBI as old cases were registered when general consent existed.